

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

52nd Legislative Day

Friday, March 5, 2010

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	11
Call to Order	By the President at 9:00 a.m.	13
Pledge	By Senator Morse.	16
Roll Call	Present--31. Absent--2, Johnston, Penry. Excused--2, Brophy, Renfroe. Present later--4, Brophy, Johnston, Penry, Renfroe.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Foster, reading of the Journal of Thursday, March 4, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that HB10-1064 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32 33 34
Education	After consideration on the merits, the Committee recommends that HB10-1044 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36 37
Education	After consideration on the merits, the Committee recommends that HB10-1030 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	39 40
Agriculture and Natural Resources	After consideration on the merits, the Committee recommends that HB10-1099 be referred to the Committee of the Whole with favorable recommendation.	43 44
Agriculture and Natural Resources	After consideration on the merits, the Committee recommends that HB10-1134 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	47 48 49
Agriculture and Natural Resources	The Committee on <u>Agriculture and Natural Resources</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	51 52 53

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

for terms expiring November 10, 2013:

Loren R. Whittemore of Rush, Colorado, a Republican residing in the 5th Congressional District, reappointed;	62 63 64
Vincent L. Vigil of Pueblo, Colorado, a Democrat residing in the 3rd Congressional District and the county of the fair, who has expertise in finance through management-level experience in banking, reappointed;	65 66 67

David J. Galli of Pueblo, Colorado, a Democrat residing in the 3rd Congressional District and the county of the fair, who has expertise in finance through management-level experience in banking, appointed.

Agriculture and Natural Resources

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

MEMBERS OF THE STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2013:

Sandra A. Leinsdorf of Crested Butte, Colorado, a person with substantial experience in production agriculture and a Democrat, appointed;

Buck Blessing of Colorado Springs, Colorado, a citizen at large and an Unaffiliated, appointed;

Thomas R. Hoyt of Boulder, Colorado, a person with substantial experience in natural resource conservation and a Democrat, reappointed.

Agriculture and Natural Resources

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

MEMBERS OF THE WILDLIFE COMMISSION

effective March 1, 2010, for terms expiring March 1, 2014:

Dr. Allan J. Jones of Meeker, Colorado, to serve as a representative of agriculture or produce growers, as a member from Wildlife District 1, and as a Republican, appointed;

Honorable Timothy R. Glenn of Salida, Colorado, to serve as a member of the public at-large, as a member from Wildlife District 4, and as a Democrat, appointed;

David R. Brougham of Lakewood, Colorado, to serve as a member of the public at-large, as a member from Wildlife District 5, and as an Unaffiliated, appointed;

effective immediately, for a term expiring March 1, 2011:

Honorable Robert D. Wingfield of Vernon, Colorado, to fill the vacancy occasioned by the resignation of Honorable Timothy R. Glenn of Salida, Colorado, and to serve as a county commissioner, as a member from Wildlife District 3, and as a Democrat, appointed.

Agriculture and Natural Resources

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

MEMBERS OF THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for a term expiring December 31, 2009:

M.T. "Terry" Everhart of Pueblo, Colorado, a landowner actively engaged in agriculture, to fill the vacancy occasioned by the resignation of Kenneth M. "Mark" Smith of Center, Colorado, appointed;

for terms expiring December 31, 2012:

Daniel J. Larkin of Salida, Colorado, a sports person, reappointed;

Don O. Cook of Craig, Colorado, a landowner actively engaged in agriculture, appointed.
effective January 1, 2010 for a term expiring December 31, 2013:

M.T. "Terry" Everhart of Pueblo, Colorado, a landowner actively engaged in agriculture,
reappointed.
for a term expiring December 31, 2013:

Ron D. Velarde of Grand Junction, Colorado, a representative of the division of wildlife
who is also a wildlife biologist, 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
SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2010:

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the
government or academic community and as a Republican, reappointed;

for terms expiring August 1, 2012:

William N. Patterson of Montrose, Colorado, to serve as a representative of the
government or academic community and as a Democrat, reappointed;

Ann C. Umphres of Golden, Colorado, to serve as a member of the public and as a
Democrat, reappointed;

Melanie J. Granberg of Denver, Colorado, to serve as a representative from the regulated
community and as an Unaffiliated, 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
COLORADO HEALTH FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2013:

Andrea C. Dikeou of Denver, Colorado, a Republican, reappointed;

H. Ben Weindling of Highlands Ranch, Colorado, a Democrat, reappointed;

Lance L. Luckett of Carbondale, Colorado, a Democrat, 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, 2013:

James E. Shmerling of Denver, Colorado, an employee of a safety-net hospital in
Colorado, appointed.

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:

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MEMBERS OF THE
MEDICAL SERVICES BOARD

for terms expiring July 1, 2013:

Dr. Jeffrey J. Cain of Denver, Colorado, a Democrat from the 1st Congressional District with knowledge of medical assistance programs, reappointed;

Wendell Phillips of Colorado Springs, Colorado, a Republican from the 5th Congressional District with knowledge of medical assistance programs, reappointed;

Dr. Paul Melinkovich of Evergreen, Colorado, a Democrat from the 6th Congressional District with knowledge of medical assistance programs, reappointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB10-1008** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "POLICY ISSUED AS A".

Page 3, line 2, strike "POLICY ISSUED AS A".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB10-167** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, line 5, strike "~~inequitable~~," and substitute "inequitable".

Page 6, line 6, strike "impracticable." and substitute "impracticable; EXCEPT THAT NO ACTION SHALL BE TAKEN AGAINST A RECIPIENT OF MEDICAL SERVICES IF THE OVERPAYMENT OCCURRED THROUGH NO FAULT OF THE RECIPIENT.".

Page 7, line 19, strike "25.5-4-309" and substitute "25.5-4-310".

Page 9, strike lines 9 through 20.

Page 11, strike lines 3 through 11.

Page 11, line 12, strike "(i)" and substitute "(g)" and strike "(h)" and substitute "(f)".

Page 11, line 18, strike "FINDS, BY CLEAR AND CONVINCING" and substitute "FINDS".

Page 11, line 19, strike "EVIDENCE,".

Page 13, line 26, after "(2)," insert "THE FEDERAL FALSE CLAIMS ACT, OR ANY SIMILAR PROVISION OF THE LAWS OF ANY OTHER STATE,".

Page 15, strike lines 11 through 17 and substitute "CONDUCT THE ACTION. IF THE STATE SO REQUESTS, IT".

Page 20, line 2, strike "INTIMIDATED, SUED, DEFAMED,".

Page 20, line 4, strike "EMPLOYMENT, CONTRACT, BUSINESS, OR" and substitute "EMPLOYMENT".

Page 20, line 5, strike "PROFESSION".

Page 20, strike lines 9 through 27.

Page 21, strike lines 1 through 19.

Page 21, line 20, strike "(II)" and substitute "(b) (I)".

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Page 21, line 26, after "PAY;" insert "AND".

Page 21, strike line 27.

Page 22, strike lines 1 through 6.

Page 22, line 7, strike "(C)" and substitute "(B)".

Page 22, line 10, strike "(III)" and substitute "(II)".

Page 22, strike lines 12 through 27.

Strike page 23.

Page 24, strike lines 1 through 20.

Page 46, after line 24 insert:

"25.5-4-310. Medicaid false claims report. (1) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE ATTORNEY GENERAL SHALL SUBMIT A WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT CONCERNING CLAIMS BROUGHT UNDER THE "COLORADO MEDICAID FALSE CLAIMS ACT" DURING THE PREVIOUS FISCAL YEAR. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

(a) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL;

(b) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL THAT WERE COMPLETED;

(c) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY THE ATTORNEY GENERAL THROUGH SETTLEMENT OR THROUGH A JUDGMENT AND, IF KNOWN, THE AMOUNT RECOVERED FOR DAMAGES, PENALTIES, AND LITIGATION COSTS;

(d) THE NUMBER OF ACTIONS FILED BY A PERSON OTHER THAN THE ATTORNEY GENERAL;

(e) THE NUMBER OF ACTIONS FILED BY A PERSON OTHER THAN THE ATTORNEY GENERAL THAT WERE COMPLETED;

(f) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY A PERSON OTHER THAN THE ATTORNEY GENERAL THROUGH SETTLEMENT OR THROUGH A JUDGMENT AND, IF KNOWN, THE AMOUNT RECOVERED FOR DAMAGES, PENALTIES, AND LITIGATION COSTS, AND THE AMOUNT RECOVERED BY THE STATE AND THE PERSON; AND

(g) THE AMOUNT EXPENDED BY THE STATE FOR INVESTIGATION, LITIGATION, AND ALL OTHER COSTS FOR CLAIMS RELATED TO THE "COLORADO MEDICAID FALSE CLAIMS ACT".

Appropriations After consideration on the merits, the Committee recommends that **SB10-139** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB10-117** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1010** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB10-020** be referred to the Committee of the Whole with favorable recommendation.

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Appropriations

After consideration on the merits, the Committee recommends that **SB10-087** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 15, after line 12 insert:

"SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2010, the sum of forty-seven thousand three hundred sixty dollars (\$47,360) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**LOBBYISTS.**" and substitute "**LOBBYISTS, AND MAKING AN APPROPRIATION THEREFOR.**"

Appropriations

After consideration on the merits, the Committee recommends that **SB10-108** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, before line 18 insert:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any fees collected from nonpublic institutions pursuant to Section 23-1-125 (5), Colorado Revised Statutes, not otherwise appropriated, to the department of higher education, for allocation to the Colorado commission on higher education, administration, for the fiscal year beginning July 1, 2010, the sum of thirty-six thousand eight hundred twenty dollars (\$36,820) cash funds and 0.4 FTE, or so much thereof as may be necessary, for reviewing core courses for inclusion in the matrix developed pursuant to Section 23-1-125 (3), Colorado Revised Statutes."

Page 1, line 102, strike "**EDUCATION.**" and substitute "**EDUCATION, AND MAKING AN APPROPRIATION THEREFOR.**"

Appropriations

After consideration on the merits, the Committee recommends that **SB10-120** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 21, before "**definitions**" insert "**prepaid wireless trust cash fund**".

Page 5, strike lines 23 through 27.

Page 6, strike lines 1 through 11 and substitute:

"(e) (I) REMITTANCES OF PREPAID WIRELESS E911 CHARGES RECEIVED BY THE DEPARTMENT ARE COLLECTIONS FOR THE LOCAL GOVERNING BODY, NOT GENERAL REVENUES OF THE STATE, AND SHALL BE HELD IN TRUST IN THE PREPAID WIRELESS TRUST CASH FUND, WHICH IS HEREBY CREATED. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), THE DEPARTMENT SHALL TRANSMIT THE MONEYS IN THE FUND TO EACH GOVERNING BODY BY THE TWENTIETH DAY OF EACH MONTH FOR THE PRECEDING MONTH'S COLLECTION IN ACCORDANCE WITH SECTION 29-2-106 FOR USE BY SUCH GOVERNING BODY FOR THE PURPOSES PERMITTED UNDER SECTION 29-11-104.

(II) THE DEPARTMENT MAY EXPEND AN AMOUNT, NOT TO EXCEED THREE PERCENT OF THE COLLECTED CHARGES IN THE PREPAID WIRELESS TRUST CASH FUND, NECESSARY TO REIMBURSE THE DEPARTMENT FOR ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE OF PREPAID WIRELESS E911 CHARGES; EXCEPT THAT THE DEPARTMENT MAY EXPEND UP TO AN ADDITIONAL FOUR HUNDRED FIFTY THOUSAND DOLLARS

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FROM JANUARY 1, 2011, THROUGH JANUARY 1, 2012, TO COVER THE INITIAL COST OF ESTABLISHING THE COLLECTION AND REMITTANCE PROCESS."

Renumber succeeding subparagraph accordingly.

Page 6, line 20, strike "(II)." and substitute "(III)."

Page 7, after line 1, insert:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the prepaid wireless trust cash fund created in section 29-11-102.5 (3) (e) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for administrative costs associated with collecting prepaid wireless telephone 911 surcharges, for the fiscal year beginning July 1, 2010, the sum of four hundred seventy-six thousand one hundred ninety-five dollars (\$476,195) cash funds and 1.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB10-143** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, after line 12 insert:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2010, the sum of one thousand dollars (\$1,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of personnel and administration, for allocation to the division of accounts and control - controller, for personal services, for the fiscal year beginning July 1, 2010, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 105, strike "PERSONS." and substitute "PERSONS, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB10-073** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 2-3-113 (1) and (4), Colorado Revised Statutes, are amended to read:

2-3-113. Programs that receive tobacco settlement moneys - program review. (1) As used in this section:

(a) "HEALTH SCIENCES FACILITY" HAS THE MEANING SET FORTH

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IN SECTION 25-31-103, C.R.S. FOR PURPOSES OF THIS SECTION, "HEALTH SCIENCES FACILITY" INCLUDES ANY CONTRACTOR OR SUBCONTRACTOR ENGAGED BY THE HEALTH SCIENCES FACILITY TO ASSIST IN THE IMPLEMENTATION AND MONITORING OF THE NURSE HOME VISITOR PROGRAM ESTABLISHED UNDER ARTICLE 31 OF TITLE 25, C.R.S.

(a) (b) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

(b) (c) "Tobacco settlement program" means any program that receives appropriations from moneys received by the state pursuant to the master settlement agreement.

(4) The joint budget committee staff, the legislative council staff, the office of legislative legal services, and the department of public health and environment, AND THE HEALTH SCIENCES FACILITY shall work with the state auditor's office in conducting the program reviews and evaluations of tobacco settlement programs.

SECTION 2. 25-1-108.5 (1), the introductory portion to 25-1-108.5 (2), and 25-1-108.5 (5), Colorado Revised Statutes, are amended to read:

25-1-108.5. Additional powers and duties of state board of health and department - programs that receive tobacco settlement moneys - monitoring - annual report. (1) As used in this section:

(a) "HEALTH SCIENCES FACILITY" HAS THE MEANING SET FORTH IN SECTION 25-31-103.

(a) (b) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

(c) "NURSE HOME VISITOR PROGRAM" MEANS THE TOBACCO SETTLEMENT PROGRAM ESTABLISHED IN ARTICLE 31 OF THIS TITLE.

(b) (d) "Tobacco settlement program" means any program that receives appropriations from moneys received by the state pursuant to the master settlement agreement.

(2) EXCEPT FOR THE NURSE HOME VISITOR PROGRAM, WHICH SHALL BE MONITORED BY THE HEALTH SCIENCES FACILITY IN ACCORDANCE WITH SECTION 25-31-105 (1), the state board and the department shall monitor the operation and effectiveness of tobacco settlement programs. Each tobacco settlement program shall annually submit to the department, in accordance with rules promulgated by the state board, the following information:

(5) Each tobacco settlement program shall pay a proportionate share of the costs incurred by the department in implementing the requirements of this section, WITH the amount paid by each tobacco settlement program shall be proportionate to the amounts annually appropriated to each tobacco settlement program FROM THE MASTER

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SETTLEMENT AGREEMENT; except that the total amount of the program evaluation costs shall not exceed four-tenths of one percent of the total amount of moneys received by the state pursuant to the master settlement agreement in any fiscal year. ~~For the fiscal year 2001-2002, seventy-five thousand nine hundred seventy-eight dollars from the moneys paid to the department from the tobacco settlement programs pursuant to this section shall be appropriated to the stroke prevention and treatment cash fund created in section 25-34-105 for allocation to the stroke advisory board created in section 25-34-104 to cover the costs of such board's duties pursuant to such section.~~

SECTION 3. 25-31-102, Colorado Revised Statutes, is amended to read:

25-31-102. Legislative declaration. (1) The general assembly hereby finds that, in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout his or her childhood and may have lasting, adverse affects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado, beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO IMPLEMENT SUCH A PROGRAM EFFICIENTLY AND EFFECTIVELY AND TO PROMOTE THE SUCCESSFUL IMPLEMENTATION OF PARTNERSHIPS BETWEEN STATE PUBLIC ENTITIES AND THE PRIVATE SECTOR, RESPONSIBILITY FOR THE PROGRAM SHOULD BE DIVIDED BETWEEN THE DEPARTMENT, WHICH SHALL BE RESPONSIBLE FOR FINANCIAL ADMINISTRATION OF THE PROGRAM, AND A HEALTH SCIENCES FACILITY AT THE UNIVERSITY OF COLORADO, WHICH SHALL BE RESPONSIBLE FOR PROGRAMMATIC AND CLINICAL SUPPORT, EVALUATION, AND MONITORING FOR THE PROGRAM, AND SUCH OTHER RESPONSIBILITIES AS DESCRIBED IN THIS ARTICLE. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE HEALTH SCIENCES CENTER WORK COLLABORATIVELY TO SHARE INFORMATION IN ORDER TO PROMOTE EFFICIENT AND EFFECTIVE PROGRAM IMPLEMENTATION; HOWEVER, NEITHER ENTITY IS RESPONSIBLE FOR THE OTHER ENTITY'S STATUTORILY PRESCRIBED DUTIES.

SECTION 4. 25-31-103 (3), Colorado Revised Statutes, is amended to read:

25-31-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "Health sciences facility" MEANS THE ANSCHUTZ MEDICAL CAMPUS OR a SUCCESSOR facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to section 25-31-105 to assist the state board in administering the program.

SECTION 5. 25-31-104, Colorado Revised Statutes, is amended

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BY THE ADDITION OF A NEW SUBSECTION to read:

25-31-104. Nurse home visitor program - created - rules.

(5) THE DEPARTMENT MAY PROPOSE TO THE STATE BOARD RULES CONCERNING PROGRAM APPLICATIONS UNDER SECTION 25-31-106 (1). ANY SUCH PROPOSAL SHALL BE MADE IN CONSULTATION WITH THE HEALTH SCIENCES FACILITY.

SECTION 6. 25-31-105, Colorado Revised Statutes, is amended to read:

25-31-105. Health sciences facility - duties. (1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

(a) Assist the state board in selecting entities from among the applications submitted pursuant to section 25-31-106; ~~and in monitoring and evaluating the implementation of the program~~

(b) PROVIDE PROGRAMMATIC AND CLINICAL SUPPORT, EVALUATION, AND MONITORING FOR THE PROGRAM, INCLUDING NURSE PRACTICE SUPPORT AND TRAINING, CLINICAL AND PROGRAMMATIC TECHNICAL ASSISTANCE, COMPLIANCE MONITORING AND SUPPORT, PROGRAM DEVELOPMENT AND IMPLEMENTATION SUPPORT, AND PERFORMANCE IMPROVEMENT MONITORING AND SUPPORT, in communities throughout the state;

(c) COOPERATE WITH THE DEPARTMENT IN CONNECTION WITH THE DEPARTMENT'S FINANCIAL ADMINISTRATION OF THE PROGRAM; AND

(d) WORK WITH THE STATE AUDITOR'S OFFICE AS REQUIRED IN SECTION 2-3-113 (4), C.R.S.

(1.5) THE HEALTH SCIENCES FACILITY IS NOT RESPONSIBLE FOR THE DUTIES ASSIGNED TO THE DEPARTMENT WITH RESPECT TO THE PROGRAM UNDER SECTION 25-31-107 (2) (a.5).

(2) The health sciences facility shall ~~monitor the administration of the program by the selected entities~~ PERFORM THE DUTIES SET FORTH IN SUBSECTION (1) OF THIS SECTION to ensure that the program is implemented AND OPERATED according to the program training requirements, program protocols, program management information systems, and program evaluation requirements established by rule of the state board. The health sciences facility shall evaluate ~~the~~ overall PROGRAM implementation, ~~of the program~~ OPERATION, AND EFFECTIVENESS, and include ~~such~~ THAT evaluation, along with any recommendations concerning the PROGRAM'S selected entities or changes in the PROGRAM'S IMPLEMENTATION, OPERATION, AND EFFECTIVENESS, INCLUDING program training requirements, program protocols, program management information systems, or program evaluation requirements, in the annual report submitted to the department pursuant to section 25-31-108.

(3) The department shall compensate the health sciences facility for the HEALTH SCIENCES FACILITY'S ACTUAL costs incurred in performing its duties under this article, AS DETERMINED BY THE HEALTH SCIENCES FACILITY. SUCH DUTIES AND ACTUAL COSTS SHALL BE INCLUDED IN THE SCOPE OF WORK IN THE AGREEMENT BETWEEN THE DEPARTMENT AND THE HEALTH SCIENCES FACILITY FOR IMPLEMENTATION OF THOSE DUTIES AND SHALL INCLUDE THE COSTS INCURRED BY ANY CONTRACTOR OR SUBCONTRACTOR OF THE HEALTH SCIENCES FACILITY FOR THOSE DUTIES. Such compensation shall be ~~included in the actual costs incurred by the department in administering the program and paid out of the amount allocated to the department for administrative costs pursuant to section 25-31-107 (2) (b)~~ FOR THE HEALTH SCIENCE FACILITY'S COSTS, IN ACCORDANCE WITH THE MAXIMUM ALLOCATION OF THREE PERCENT OF THE AMOUNT ANNUALLY ALLOCATED FOR THE PROGRAM UNDER SECTION 25-31-107 (2).

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SECTION 7. The introductory portion to 25-31-106 (1), Colorado Revised Statutes, is amended to read:

25-31-106. Program applications - requirements. (1) Any AN entity that seeks to administer the program in a community shall submit an application to the department in accordance with rules adopted by the state board, IN CONSULTATION WITH THE DEPARTMENT AND THE HEALTH SCIENCES FACILITY. At a minimum, the application shall specify the basic elements and procedures that the entity shall use in administering the program. Basic program elements shall include ~~but are not limited to,~~ the following:

SECTION 8. 25-31-107 (2) (b), Colorado Revised Statutes, is amended, and the said 25-31-107 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25-31-107. Selection of entities to administer the program - grants - nurse home visitor program fund - created. (2) (a.5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-31-108, THE DEPARTMENT SHALL BE RESPONSIBLE FOR FINANCIAL ADMINISTRATION OF THIS ARTICLE, WHICH SHALL INCLUDE COMPENSATING THE HEALTH SCIENCES FACILITY PURSUANT TO SECTION 25-31-105 (3), PAYING GRANTS TO ENTITIES SELECTED TO ADMINISTER THE PROGRAM, MONITORING FINANCIAL, CONTRACTUAL, AND REGULATORY COMPLIANCE; PROVIDING MEDICAID FINANCING OVERSIGHT; MANAGING ACCOUNTING AND BUDGETING; AND, IN COOPERATION WITH THE HEALTH SCIENCES FACILITY, MANAGING GRANT APPLICATIONS AS SET FORTH IN SECTION 25-31-106. THE DEPARTMENT SHALL ALSO COOPERATE WITH THE HEALTH SCIENCES FACILITY'S ADMINISTRATION OF PROGRAMMATIC AND CLINICAL SUPPORT, EVALUATION, AND MONITORING OF THE PROGRAM. THE DEPARTMENT SHALL NOT BE RESPONSIBLE FOR ANY DUTIES ASSIGNED TO THE HEALTH SCIENCES FACILITY WITH RESPECT TO THE PROGRAM, AS DESCRIBED IN SECTION 25-31-105.

(b) Grants awarded pursuant to paragraph (a) of this subsection (2) shall be payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", shall BE ADMINISTERED BY THE DEPARTMENT AND SHALL consist of moneys transferred thereto by the state treasurer from moneys received pursuant to the master settlement agreement in the amount described in paragraph (d) of this subsection (2). In addition, the state treasurer ~~may~~ SHALL credit to the fund any public or private gifts, grants, or donations received by the department for implementation of the program, INCLUDING ANY MONEYS RECEIVED FROM THE UNITED STATES FEDERAL GOVERNMENT FOR THE PROGRAM. The fund shall be subject to annual appropriation by the general assembly to the department for grants to entities for operation of the program. ~~In addition,~~ The department may retain A TOTAL OF up to five percent of the amount annually appropriated from the fund for the ~~actual costs incurred by the department in implementing the provisions of this article~~ PROGRAM, IN ORDER TO COMPENSATE THE HEALTH SCIENCES FACILITY PURSUANT TO SECTION 25-31-105 (3), AS SET FORTH IN THE SCOPE OF WORK IN THE AGREEMENT BETWEEN THE DEPARTMENT AND THE HEALTH SCIENCES FACILITY, AND TO COMPENSATE THE DEPARTMENT FOR THE ACTUAL COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROVISIONS OF PARAGRAPH (a.5) OF THIS SUBSECTION (2), AS DETERMINED BY THE DEPARTMENT; EXCEPT THAT THE PORTION OF THE COSTS TO COMPENSATE THE DEPARTMENT FOR IMPLEMENTING THE PROVISIONS OF PARAGRAPH (a.5) OF THIS SUBSECTION (2) SHALL NOT EXCEED TWO PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND FOR THE PROGRAM, AND THE PORTION OF SUCH COSTS TO COMPENSATE THE HEALTH SCIENCES FACILITY UNDER SECTION 25-31-105 (3), AS SET FORTH IN THE SCOPE OF WORK IN THE CONTRACT BETWEEN THE DEPARTMENT AND THE HEALTH SCIENCES FACILITY, SHALL NOT EXCEED THREE PERCENT OF THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND FOR THE PROGRAM. IN ADDITION, IF THE TOTAL AMOUNT ANNUALLY APPROPRIATED FROM THE FUND FOR THE PROGRAM EXCEEDS NINETEEN MILLION DOLLARS, THE DEPARTMENT AND THE HEALTH SCIENCES FACILITY SHALL ASSESS WHETHER A SMALLER PERCENTAGE OF

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THE APPROPRIATED FUNDS EXCEEDING NINETEEN MILLION DOLLARS IS ADEQUATE TO COVER THEIR ACTUAL COSTS AND SHALL JOINTLY SUBMIT TO THE GENERAL ASSEMBLY A REPORT ARTICULATING THEIR CONCLUSIONS ON THIS SUBJECT. THE ACTUAL COSTS OF THE DEPARTMENT INCLUDE DEPARTMENT PERSONNEL AND OPERATING COSTS AND ANY NECESSARY TRANSFERS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR ADMINISTRATIVE COSTS INCURRED FOR THE MEDICAID PROGRAM ASSOCIATED WITH THE PROGRAM. THE ACTUAL COSTS OF THE HEALTH SCIENCES FACILITY INCLUDE THE FACILITY'S OWN ACTUAL PROGRAM COSTS AND THOSE OF ITS CONTRACTORS AND SUBCONTRACTORS. ANY COSTS FOR TIME STUDIES REQUIRED TO OBTAIN MEDICAID REIMBURSEMENT FOR THE PROGRAM MAY BE PAID FROM PROGRAM FUNDS, AND SHALL NOT BE SUBJECT TO THE FIVE PERCENT LIMIT IN THIS SECTION. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unencumbered moneys appropriated from moneys received pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

SECTION 9. 25-31-108 (1), Colorado Revised Statutes, is amended to read:

25-31-108. Annual program review - audit. (1) The health sciences facility shall annually prepare and submit to the department a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to section 25-31-106 (1) (e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including ~~but not limited to~~ any changes that may be appropriate to enable the program to receive medicaid funding. The department shall include ~~said~~ THE report in the annual report on ~~programs that are funded by moneys received pursuant to the master settlement agreement~~ THE PROGRAM prepared pursuant to section 25-1-108.5 (3). EACH PROGRAM CONTRACTOR AND SUBCONTRACTOR AND EACH ENTITY THAT ADMINISTERS THE PROGRAM SHALL WORK WITH THE HEALTH SCIENCES FACILITY AND THE DEPARTMENT TO PREPARE THE REPORTS REQUIRED UNDER THIS SECTION AND SECTIONS 2-3-113 (2) AND 25-1-108.5 (3), C.R.S. Any entity that is administering the program ~~may be~~ IS subject to a reduction in or cessation of funding if the state board, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by rule of the state board or is operating the program in such a manner that the program does not demonstrate positive results.

SECTION 10. Adjustment to the 2010 long bill. For the implementation of this act, the appropriation made in the annual general appropriation act, for the fiscal year beginning July 1, 2010, to the department of public health and environment, prevention services division, family and community health, child, adolescent, and school health, nurse home visitor program, is reduced by 1.0 FTE.

SECTION 11. Effective date. This act shall take effect June 30, 2010.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM10-001 by Senator(s) Hudak, Keller, Kopp, Spence; --Concerning memorializing former Senator Alvin J. "Al" Meiklejohn, Jr.

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB10-026 by Senator(s) Romer; also Representative(s) Middleton--Concerning providing to the public information to facilitate successful participation in postsecondary education, and, in connection therewith, transferring the college in Colorado division to the department of education.

A majority of those elected to the Senate having voted in the affirmative, Senator Romer was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.009) , by Senator Romer.

Amend engrossed bill, page 7, line 9, before "REQUIRE", insert "SHALL".

page 8, line 19, before "REQUIRE", insert "SHALL".

The amendment was **passed** on 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	28	NO	7	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	N	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	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Gibbs, Heath, Hudak, Johnston, Sandoval and Williams.

SB10-028 by Senator(s) Heath; also Representative(s) Pace--Concerning the establishment of the Colorado "Work Share Program" to allow payment of unemployment compensation benefits to eligible employees who have received a reduction in work hours.

The question being "Shall the bill 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	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	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 was passed.

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Hudak, Johnston, Keller, Morse, Newell, Schwartz, Shaffer B., Steadman, Tapia, Tochtrop, Whitehead and Williams.

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

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

YES	21	NO	13	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	Y
Gibbs	Y	Kopp	*	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Heath, Hudak, Johnston, Keller, Morse, Newell, Romer, Shaffer B., Steadman, Tochtrop and Williams.

SENATE SERVICES REPORT

Correctly Printed: SR10-006.
Correctly Engrossed: SJR10-010.
Correctly Revised: HB10-1001; HJR10-1013.

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, March 5 was laid over until Monday, March 8, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1003, HB10-1175, HB10-1080.
General Orders -- Second Reading of Bills: SB10-076, SB10-062, SB10-094, SB10-110, HB10-1112, HB10-1023, HB10-1090, HB10-1097, HB10-1049, HB10-1085, HB10-1002, SB10-166, HB10-1059, HB10-1141.
Consideration of Resolutions: SJR10-010, SR10-006.
Consideration of Memorials: SJM10-001.

Consideration of House Amendments to Senate Bills: SB10-109	1
Consideration of Governor's Appointments:	2
Member of the State Housing Board	3
Member of the Public employees' Retirement Benefit Plans	4
Member of the Colorado Banking Board	5
Conference Committees to Report: HB10-1320, HB10-1339, HB10-1327.	6
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On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 8, 2010.	11
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