

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

---

84th Legislative Day Tuesday, April 6, 2010

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- Prayer 1  
 By the Senator Scheffel. 2
- Call to 3  
 Order 4  
 By the President at 10:00 a.m. 5
- Pledge 6  
 By Senator Kopp. 7
- Roll Call 8  
 Present--35. 9
- Quorum 10  
 The President announced a quorum present. 11
- Reading of 12  
 Journal 13  
 On motion of Senator Whitehead, reading of the Journal of Monday, April 5, 2010, was 14  
 dispensed with and the Journal was approved as corrected by the Secretary. 15

**COMMITTEE OF REFERENCE REPORTS**

- Education 16  
 The Committee on Education has had under consideration and has had a hearing on the 17  
 following appointments and recommends that the appointments be confirmed: 18
- MEMBERS OF THE 19  
BOARD OF TRUSTEES FOR 20  
ADAMS STATE COLLEGE 21
- for terms expiring December 31, 2013: 22
- Stephen A. Valdez of La Jara, Colorado, a Republican, to serve as a representative of 23  
 Conejos County, reappointed; 24
- Charles H. Scoggin, M.D. of Boulder, Colorado, a Republican, reappointed; 25
- Arnold Salazar of Alamosa, Colorado, a Democrat, to serve as a representative of Alamosa 26  
 County, appointed. 27

- Education 28  
 The Committee on Education has had under consideration and has had a hearing on the 29  
 following appointments and recommends that the appointments be confirmed: 30
- MEMBERS OF THE 31  
BOARD OF TRUSTEES FOR THE 32  
UNIVERSITY OF NORTHERN COLORADO 33
- effective January 1, 2010 for terms expiring December 31, 2013: 34
- Richard L. Monfort of Greeley, Colorado, a Republican, reappointed; 35
- Denise L. St. Cyr of Parker, Colorado, a Republican, appointed. 36

- Education 37  
 After consideration on the merits, the Committee recommends that **HB10-1273** be 38  
 amended as follows, and as so amended, be referred to the Committee of the Whole with 39  
 favorable recommendation. 40
- Amend reengrossed bill, page 4, line 26, strike "SHALL" and substitute "IS 41  
 STRONGLY ENCOURAGED TO". 42
- Page 5, strike lines 10 through 16 and substitute: 43

"SECTION 3. The introductory portion to 22-2-106 (1) (a.5) and 22-2-106 (1) (a.5) (III) and (1) (a.5) (VI), Colorado Revised Statutes, are amended, and the said 22-2-106 (1) (a.5) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(a.5) To adopt, on or before December 15, 2009 2011, a comprehensive set of guidelines for the establishment of high school graduation requirements to be used by each school district board of education in developing local high school graduation requirements. Each school district board of education shall retain the authority to develop its own unique high school graduation requirements, so long as those local high school graduation requirements meet or exceed any minimum standards or basic core competencies or skills identified in the comprehensive set of guidelines for high school graduation developed by the state board pursuant to this paragraph (a.5). In developing the guidelines for high school graduation, the state board shall utilize the recommendations of the state graduation guidelines development council established in section 22-7-414, as it existed prior to July 1, 2008, and shall:

(III) Work with the Colorado commission on higher education to ensure that the state board's guidelines for high school graduation adopted pursuant to this paragraph (a.5) and the postsecondary academic admission standards established pursuant to section 23-1-113, C.R.S., are aligned for students entering a four-year public postsecondary education institution on or after August 1, 2012 2013;

(VI) Recognize and acknowledge the importance of obtaining the core competency skills and standards to succeed in the twenty-first century, including but not limited to proficiency in math, science, and written and verbal communication skills; and

(VI.5) RECOGNIZE AND ACKNOWLEDGE THE IMPORTANCE OF EDUCATION IN PERFORMING ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (b), AND VISUAL ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (c), IN STRENGTHENING STUDENT LEARNING IN OTHER SUBJECTS AND IN SUPPORTING STUDENTS' ABILITY TO SUCCEED IN THE TWENTY-FIRST CENTURY; AND".

Renumber succeeding sections accordingly.

Page 11, line 13, strike "vocational" and substitute "~~vocational~~ CAREER AND TECHNICAL".

Page 11, line 16, strike "vocational" and substitute "~~vocational~~ CAREER AND TECHNICAL EDUCATION".

Page 11, line 18, strike "vocational" and substitute "~~vocational~~ CAREER AND TECHNICAL".

Page 11, line 22, strike "vocational" and substitute "~~vocational~~ VOCATION-RELATED".

Education

After consideration on the merits, the Committee recommends that **HB10-1147** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 16, after "INCLUDE" insert "A NONMOTORIZED WHEELCHAIR OR ANY OTHER NONMOTORIZED WHEELED ASSISTIVE DEVICE THAT IS PRIMARILY DESIGNED TO INCREASE THE MOBILITY OF A PERSON WITH A DISABILITY,".

Page 7, line 18, strike "EQUIPMENT." and substitute "EQUIPMENT; EXCEPT

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THAT "NONMOTORIZED WHEELED TRANSPORTATION" INCLUDES A NONMOTORIZED TRAILER THAT IS PRIMARILY DESIGNED TO BE ATTACHED TO AND TOWED BY A BICYCLE FOR THE PURPOSE OF TRANSPORTING ONE OR MORE CHILDREN."

Page 8, strike lines 1 through 3 and substitute:

"(3) (a) A VIOLATION OF THIS SECTION IS PROHIBITED AND IS A NONCRIMINAL OFFENSE. A LAW ENFORCEMENT OR".

Page 9, line 9, after "AGAINST" insert "CIVIL".

Page 9, line 18, after "ANY" insert "CIVIL".

Page 9, line 20, after "LESSEE" insert "OR PERMITTEE".

Page 9, line 22, after "LESSEE" insert "OR PERMITTEE".

Page 9, line 23, after "ANY" insert "CIVIL".

Education

After consideration on the merits, the Committee recommends that **HB10-1131** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 21, strike "OR".

Page 4, line 23, strike "C.R.S.;" and substitute "C.R.S., OR AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), C.R.S.;"

Page 5, line 20, strike "(IV)" and substitute "(V)" and strike "(a)" and substitute "(b)".

Page 6, line 5, strike "METROPOLITAN AND URBAN" and substitute "METROPOLITAN, URBAN, AND RURAL".

Page 6, line 6, after "PARENTS" insert "OR LEGAL GUARDIANS".

**MESSAGE FROM THE HOUSE**

April 5, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1359.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1348, amended as printed in House Journal, April 1, page 1057.

HB10-1060, amended as printed in House Journal, April 1, page 1060.

HB10-1243, amended as printed in House Journal, April 1, page 1060.

HB10-1334, amended as printed in House Journal, April 1, page 1061.

HB10-1354, amended as printed in House Journal, April 1, pages 1062-1063.

The House has passed on Third Reading and returns herewith SB10-016, 101, 042 138, 068, 072, 079, 088, 043, 147.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;

SB10-155, amended as printed in House Journal, April 1, page 1057.

SB10-062, amended as printed in House Journal, April 1, page 1058.

SB10-066, amended as printed in House Journal, April 1, pages 1058-1059.

SB10-075, amended as printed in House Journal, April 1, page 1059.

SB10-152, amended as printed in House Journal, April 1, page 1059.

SB10-111, amended as printed in House Journal, April 1, page 1061.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB10-143, amended on Third Reading as printed in House Journal April 5.

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The House failed to pass SB10-048 on Third Reading. The bill is returned herewith 1  
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 The House has voted to concur in the Senate amendments to HB10-1288, 1372, and has 3  
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 repassed the bills as so amended. 5  
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 The House has voted not to concur in the Senate amendments to HB10-1369 and requests 6  
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 that a conference committee be appointed. The Speaker has appointed Representatives 7  
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 Scanlan, chairman, Pommer, and Massey as House conferees on the First Conference 8  
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 Committee on HB10-1369. The House has granted authorization to go beyond the scope 9  
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 of the differences. The bill is transmitted herewith. 10  
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 The House has voted to grant the House conferees on the First Conference Committee on 12  
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 SB10-109 to consider matters not at issue between the two houses. 13  
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 The House has voted to recede from its position and discharge the First Conference 15  
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 Committee on HB10-1236. The House voted to concur in Senate amendments, and has 16  
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 repassed the bill as amended. The House requests return of the bill. 17  
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 The House has voted to concur in the Senate amendments to HJR10-1018 and has repassed 19  
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 the resolution as so amended. 20  
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**MESSAGE FROM THE REVISOR OF STATUTES**

April 5, 2010

We herewith transmit:

- Without comment, HB10-1359. 30
- Without comment, as amended, HB10-1060, 1243, 1334, and 1348. 31
- Without comment, as amended, SB10-062, 066, 075, 111, 143, 152, and 155. 32
- With comment, as amended, HB10-1354. 33

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**INTRODUCTION OF MEMORIALS**

The following memorial was read by title:

**SM10-002** by Senator(s) Whitehead; --Memorializing former Senator Arthur Wayne Denny. 41  
 42  
 Laid over until Monday, April 12, retaining its place on the calendar. 43  
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**SENATE SERVICES REPORT**

- Correctly Printed:** SJM10-003; SJR10-026 and 027. 49
- Correctly Reengrossed:** SB10-133, 153, 171 and 182. 50
- Correctly Rerevised:** HB10-1017, 1020, 1029, 1083, 1098, 1101, 1117, 1164, 1182, 1213, 51  
 1218, 1259, 1265, 1275, 1276 and 1340. 52

On motion of Senator Morse, and with a majority of those elected to the Senate having 54  
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 voted in the affirmative, the balance of the calendar of Tuesday, April 6 was laid over until 55  
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 Wednesday, April 7, retaining its place on the calendar. 56  
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- General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1220, SB10-181, 59  
 HB10-1205, HB10-1229. 60
- General Orders -- Second Reading of Bills: HB10-1208, HB10-1138, HB10-1271, 61  
 SB10-156, HB10-1293, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1252. 62
- Consideration of Resolutions: HJR10-1015, SJR10-025, SJR10-027. 63
- Consideration of Memorials: SJM10-002. 64
- Consideration of House Amendments to Senate Bills: SB10-047, SB10-071, SB10-038, 65  
 SB10-099, SB10-098. 66
- Consideration of House Amendments to Senate Resolutions: SJR10-010. 67

Consideration of House Adherence: HB10-1211. 1  
 Consideration of Governor's Appointments: 2  
     Members of the Water Quality Control Commission 3  
     Members of the State Board for Community Colleges and Occupational Education 4  
     Member of the Board of Trustees for Fort Lewis College 5  
     Members of the Colorado Educational and Cultural Facilities Authority Board of 6  
         Directors 7  
     Member of the State Housing Board 8  
     Members of the Solid and Hazardous Waste Commission 9  
     Members of the CoverColorado Board of Directors 10  
     Members of the Hospital Provider Fee Oversight and Advisory Board 11  
     Member of the Colorado Commission on the Aging 12  
     Member of the Special Funds Board for Workers' Compensation Self Insurers 13  
     Members of the Board of Trustees for Western State College of Colorado 14  
     Members of the Board of Trustees for Mesa State College 15  
     Members of the Hospital Provider Fee Oversight and Advisory Board 16  
     Member of the Medical Services Board 17  
     Member of the Colorado Traumatic Brain Injury Board 18  
     Members of the State Board of the Great Outdoors Colorado Trust Fund 19  
     Member of the State Board of Stock Inspection Commissioners 20  
     Members of the Colorado Water Conservation Board 21  
     Members of the Colorado Tourism Office Board of Directors 22  
     Members of the Colorado Aeronautical Board 23  
 Consideration of Conference Committee Reports: HB10-1099. 24  
 Conference Committees to Report: SB10-109, HB10-1021. 25  
 Requests for Conference Committees: HB10-1171. 26

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 Senate in recess.                      Senate reconvened. 28  
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Appropriations After consideration on the merits, the Committee recommends that **HB10-1376** be referred 34  
 to the Committee of the Whole with favorable recommendation. 35  
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 Appropriations After consideration on the merits, the Committee recommends that **HB10-1389** be referred 37  
 to the Committee of the Whole with favorable recommendation. 38  
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 Appropriations After consideration on the merits, the Committee recommends that **HB10-1388** be referred 40  
 to the Committee of the Whole with favorable recommendation. 41  
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 Appropriations After consideration on the merits, the Committee recommends that **HB10-1387** be referred 43  
 to the Committee of the Whole with favorable recommendation. 44  
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 Appropriations After consideration on the merits, the Committee recommends that **HB10-1384** be 46  
 amended as follows, and as so amended, be referred to the Committee of the Whole with 47  
 favorable recommendation. 48  
 49  
     Amend reengrossed bill, page 13, strike lines 11 through 18 and 50  
     substitute: 51  
     52  
         "(3) Sections 3 through 5 of this act shall take effect upon the 53  
         earlier of: 54  
         55  
             (a) January 1, 2014; or 56  
         57  
             (b) The date upon which the revisor of statutes receives 58  
         notification from the executive director of the department of health care 59  
         policy and financing that the federal centers for medicare and medicaid 60  
         services, having taken into consideration the requirements for 61  
         maintenance of effort for medicaid eligibility contained in the federal 62  
         "American Reinvestment and Recovery Act", Pub. L. 111-5, or any 63  
         amendment thereto, and in the federal "Patient Protection and Affordable 64  
         Care Act", Pub. L. 111-48, or any amendment thereto, has authorized 65  
         Colorado to reduce eligibility for its medicaid program consistent with 66  
         the provisions of this act without federal penalty." 67

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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1383</b> be referred to the Committee of the Whole with favorable recommendation.	3
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1382</b> be referred to the Committee of the Whole with favorable recommendation.	6
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1381</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	9
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	Amend reengrossed bill, page 6, line 2, strike "twenty-five" and substitute "twenty-one million two hundred thousand nine hundred eighty-three dollars (\$21,200,983). Of said appropriation,".	13
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	Page 6, strike lines 3 through 6.	16
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	Page 6, line 7, strike "Colorado Revised Statutes,".	18
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	Page 6, after line 13 insert:	21
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	"(c) The reappropriated funds appropriation is increased by four million four hundred ninety thousand four hundred thirty-five dollars (\$4,490,435) from the health disparities grant program fund created in section 24-22-117 (2) (f), Colorado Revised Statutes.".	23
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1380</b> be referred to the Committee of the Whole with favorable recommendation.	28
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1379</b> be referred to the Committee of the Whole with favorable recommendation.	31
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1378</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	34
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	Amend reengrossed bill, page 7, after line 1, insert:	38
		39
	" <b>SECTION 5. Effective date.</b> This act shall take effect only if Senate Joint Resolution 10-010 is approved by a two-thirds majority vote of the members of both houses of the general assembly and is signed by the governor. This act shall take effect either upon passage or upon the date Senate Joint Resolution 10-010 is signed by the governor, whichever is later.".	40
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	Renumber succeeding section accordingly.	47
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1377</b> be referred to the Committee of the Whole with favorable recommendation.	50
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Appropriations	After consideration on the merits, the Committee recommends that <b>HB10-1386</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	53
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	Amend reengrossed bill, page 2, line 13, strike "THE".	57
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	Page 2, strike lines 14 through 16 and substitute "ONE HUNDRED SEVENTY-FIVE DOLLARS, which shall be credited to the property".	59
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	Page 3, line 15, strike "THE HIGHER OF".	62
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	Page 3, strike lines 16 and 17.	64
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	Page 3, line 18, strike "SECTION," and substitute "SEVENTY-FIVE DOLLARS,".	66
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Page 3, line 21, strike "THE HIGHER OF". 1

Page 3, strike lines 22 and 23 and substitute "DOLLARS;". 2

Page 4, strike lines 23 through 25 and substitute "~~hundred fifty dollars~~ 3

TWO HUNDRED FIFTY DOLLARS shall be paid, which". 4

Page 5, strike lines 16 through 24 and substitute "article 4 of title 24, 5

C.R.S., INCLUDING ANY RULES NECESSARY TO SPECIFY WHAT SHALL 6

QUALIFY AS "GOOD CAUSE SHOWN" FOR PURPOSES OF WAIVING ALL OR A 7

PORTION OF THE LATE FILING FEES SPECIFIED IN SUBPARAGRAPHS (I) AND 8

(III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION." 9

Page 6, line 7, strike "(\$169,742) and 2.1" and substitute "(\$169,742)". 10

Page 6, strike line 8. 11

Page 6, line 16, strike "(\$301,073) and 2.1 FTE," and substitute 12

"(\$301,073)". 13

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1385** be 21  
amended as follows, and as so amended, be referred to the Committee of the Whole with 22  
favorable recommendation. 23

Amend reengrossed bill, page 2, line 7, strike "(a)". 24

Page 2, line 12, strike "of" and substitute "of" and strike "~~dollars;~~" and 25

substitute "FIVEHUNDRED SIXTY-ONE dollars, payable on or before March 26

1 of each year." 27

Page 2, strike lines 13 through 20. 28

Page 3, strike lines 1 through 11. 29

Page 8, line 8, strike "10-1-103 (3)," and substitute "10-3-207.5 (2)". 30

Page 8, line 17, strike "reappropriated" and substitute "cash". 31

Appropriations

After consideration on the merits, the Committee recommends that **SB10-169** be amended 40  
as follows, and as so amended, be referred to the Committee of the Whole with favorable 41  
recommendation. 42

Amend printed bill, page 3, after line 23 insert: 43

"**SECTION 2.** Part V (2) and the affected totals of section 2 of 44

chapter 464, Session Laws of Colorado 2009, as Part V and the affected 45

totals are amended by section 1 of House Bill 10-1300, as Part V (2) and 46

the affected totals are amended by section 3 of House Bill 10-1320, as 47

Part V (2) and the affected totals are amended by section 4 of House Bill 48

10-1321, as Part V (2) and the affected totals are amended by section 3 49

of House Bill 10-1322, as affected totals are amended by section 8 of 50

House Bill 10-1323, as Part V (2) and the affected totals are amended by 51

section 3 of House Bill 10-1324, are amended to read: 52

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Section 2. **Appropriation.**

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<b>PART V</b>							
<b>DEPARTMENT OF HEALTH CARE POLICY AND FINANCING</b>							
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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Services for 7,131 Baby							
2 Care Program Adults at an							
3 average cost of \$8,741.51	62,335,715						
4 Services for 416 Breast and							
5 Cervical Cancer Treatment							
6 Clients at an average cost of							
7 \$20,365.00	8,471,839						
8 Services for 16,922							
9 Expansion Health Care							
10 Low-Income Adult Clients							
11 at an average cost of							
12 \$2,412.29	40,820,748						
13 Services for 276,647							
14 Eligible Children at an							
15 average cost of \$1,690.00	467,532,630						
16 Services for 18,373 Foster							
17 Children at an average cost							
18 of \$3,775.80	69,372,850						
19 Services for 3,616							
20 Non-Citizens at an average							
21 cost of \$16,359.97	<u>59,157,649</u>						
22		2,644,972,452	<del>1,120,353,182(M)</del>		<del>190,987,505*</del>	3,874,450 <sup>b</sup>	1,329,757,315
23			1,115,423,794(M)		195,916,893 <sup>a</sup>		

<sup>a</sup> Of this amount, \$124,906,507(H) shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., including \$84,016,715 that shall be subject to the (H) head note as defined in Section 2 of Chapter 464 Session Laws of Colorado 2009, \$17,359,908(H) shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$22,229,571 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$7,000,000 shall be from the Tobacco Education Programs Fund created in section 24-22-117 (2) (c) (I), C.R.S., \$7,000,000 shall be from the Prevention, Early Detection, and Treatment Fund created in Section 24-22-117 (2) (d) (I), C.R.S., \$10,390,000 shall be from the Primary Care Grant Fund created in section 24-22-117 (2) (b) (I), \$4,929,388 SHALL BE FROM THE HOSPITAL PROVIDER FEE CASH FUND CREATED IN SECTION 25.5-4-402.3 (4), C.R.S., \$1,144,308 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in section 25.5-5-308 (8) (a), C.R.S., \$697,198 (H) shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., \$250,000(H) shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., and \$10,013 shall be from the Supplemental Tobacco Litigation Settlement Moneys Account in the Pediatric Speciality Hospital Fund created in section 24-22-117 (2) (e) (II).



**SECTION 3. Appropriation - adjustments to the 2010 long bill.**

For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for medical services premiums, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(1) The general fund appropriation is decreased by forty-six million three hundred twenty-nine thousand three hundred eighty-eight dollars (\$46,329,388).

(2) The cash fund appropriation is increased by forty-six million three hundred twenty-nine thousand three hundred eighty-eight dollars (\$46,329,388). Said sum shall be from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 104, strike "**PROGRAM.**" and substitute, "**PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.**".

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On motion of Senator Johnston, the Senate adjourned until 9:00 a.m., Wednesday, April 7, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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