

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 11-0249.01 Kristen Forrestal

**SENATE BILL 11-200**

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**SENATE SPONSORSHIP**

**Boyd,**

**HOUSE SPONSORSHIP**

**Stephens,**

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**Senate Committees**

Health and Human Services  
Legislative Council

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A COLORADO HEALTH BENEFIT EXCHANGE, AND, IN**  
102 **CONNECTION THEREWITH, CREATING A PROCESS FOR THE**  
103 **IMPLEMENTATION OF A HEALTH BENEFIT EXCHANGE IN**  
104 **COLORADO.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the Colorado health benefit exchange (exchange) as a nonprofit unincorporated public entity. The exchange is governed by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
April 25, 2011

a board of directors consisting of 9 members appointed by the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives, and 3 ex officio nonvoting members. The board is responsible for:

- ! Appointing an executive director to administer the exchange;
- ! Creating operational and financial plans;
- ! Applying for planning and establishment grants;
- ! Creating technical and advisory groups;
- ! Providing a written report to the governor and the general assembly regarding the planning and establishment of the exchange;
- ! Reviewing internet portals for use by the exchange;
- ! Considering the structure of the exchange;
- ! Considering the appropriate size of the small employer market; and
- ! Investigating requirements, developing options, and determining waivers to ensure that the best interests of Coloradans are protected.

The board may enter into information-sharing agreements with federal and state agencies and other state exchanges.

The bill also establishes the legislative health benefit exchange implementation review committee (committee) to provide oversight of the exchange. The committee may report up to 5 bills or other measures to the legislative council each year. The committee is responsible for reviewing grants applied for by the board and for reviewing the financial and operational plans of the exchange.

Five years after the act becomes law, the legislative service agencies of the general assembly will conduct a post-enactment review of its implementation.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 10, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 22**

5 **Colorado Health Benefit Exchange**

6 **10-22-101. Short title.** THIS ARTICLE IS KNOWN AND MAY BE  
7 CITED AS THE "COLORADO HEALTH BENEFIT EXCHANGE ACT".

8 **10-22-102. Legislative declaration - intent.** THE GENERAL

1 ASSEMBLY DETERMINES AND DECLARES THAT WITH THE MARCH 23, 2010,  
2 ENACTMENT OF THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE  
3 CARE ACT", PUB.L. 111-148, AND THE MARCH 30, 2010, ENACTMENT OF  
4 THE "HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010",  
5 PUB.L. 111-152, WHICH ALLOW EACH STATE TO ESTABLISH A HEALTH  
6 BENEFIT EXCHANGE THROUGH STATE LAW OR OPT TO PARTICIPATE IN A  
7 NATIONAL HEALTH BENEFIT EXCHANGE OPERATED BY THE FEDERAL  
8 DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND ALTHOUGH THERE  
9 ARE NUMEROUS FEDERAL LAWSUITS CHALLENGING THE  
10 CONSTITUTIONALITY OF THE FEDERAL ACT IN MULTIPLE FEDERAL COURTS,  
11 THE BEST OPTION FOR THE STATE OF COLORADO IS TO ESTABLISH A HEALTH  
12 BENEFIT EXCHANGE AT THE STATE LEVEL. THEREFORE, THE GENERAL  
13 ASSEMBLY INTENDS TO CREATE A HEALTH BENEFIT EXCHANGE TO FIT THE  
14 UNIQUE NEEDS OF COLORADO AND SEEK COLORADO-SPECIFIC SOLUTIONS.  
15 THE COLORADO HEALTH BENEFIT EXCHANGE, INCLUDING AN AMERICAN  
16 HEALTH BENEFIT EXCHANGE, IS INTENDED TO FACILITATE THE ACCESS TO  
17 AND ENROLLMENT IN HEALTH PLANS IN THE INDIVIDUAL MARKET IN THIS  
18 STATE AND INCLUDE A SMALL BUSINESS HEALTH OPTIONS PROGRAM TO  
19 ASSIST SMALL EMPLOYERS IN THIS STATE IN FACILITATING THE  
20 ENROLLMENT OF THEIR EMPLOYEES IN HEALTH PLANS OFFERED IN THE  
21 SMALL EMPLOYER MARKET. THE INTENT OF THE COLORADO HEALTH  
22 BENEFIT EXCHANGE IS TO INCREASE ACCESS, AFFORDABILITY, AND CHOICE  
23 FOR INDIVIDUALS AND SMALL EMPLOYERS PURCHASING HEALTH  
24 INSURANCE IN COLORADO.

25 **10-22-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE EXCHANGE,

1 APPOINTED IN ACCORDANCE WITH SECTION 10-22-105.

2 (2) "COMMITTEE" MEANS THE LEGISLATIVE HEALTH BENEFIT  
3 EXCHANGE IMPLEMENTATION REVIEW COMMITTEE CREATED IN SECTION  
4 10-22-107.

5 (3) "EXCHANGE" MEANS THE COLORADO HEALTH BENEFIT  
6 EXCHANGE CREATED IN THIS ARTICLE.

7 (4) "FEDERAL ACT" MEANS THE "PATIENT PROTECTION AND  
8 AFFORDABLE CARE ACT", PUB.L. 111-148, AS AMENDED BY THE "HEALTH  
9 CARE AND EDUCATION RECONCILIATION ACT OF 2010", PUB.L. 111-152.

10 (5) "SECRETARY" MEANS THE SECRETARY OF THE UNITED STATES  
11 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

12 **10-22-104. Health benefit exchange - creation.** THERE IS  
13 HEREBY CREATED A NONPROFIT UNINCORPORATED PUBLIC ENTITY KNOWN  
14 AS THE HEALTH BENEFIT EXCHANGE. THE BOARD OF DIRECTORS SHALL  
15 GOVERN THE OPERATION OF THE EXCHANGE. THE BOARD SHALL  
16 DETERMINE AND ESTABLISH THE DEVELOPMENT, GOVERNANCE, AND  
17 OPERATION OF THE EXCHANGE. THE EXCHANGE IS AN INSTRUMENTALITY  
18 OF THE STATE; EXCEPT THAT THE DEBTS AND LIABILITIES OF THE  
19 EXCHANGE DO NOT CONSTITUTE THE DEBTS AND LIABILITIES OF THE STATE,  
20 AND NEITHER THE EXCHANGE NOR THE BOARD IS AN AGENCY OF THE  
21 STATE. THE BOARD DOES NOT HAVE THE AUTHORITY TO PROMULGATE  
22 RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT",  
23 ARTICLE 4 OF TITLE 24, C.R.S. THE EXCHANGE SHALL NOT DUPLICATE OR  
24 REPLACE THE DUTIES OF THE COMMISSIONER ESTABLISHED IN SECTION  
25 10-1-108, INCLUDING RATE APPROVAL, EXCEPT AS DIRECTED BY THE  
26 FEDERAL ACT. THE EXCHANGE SHALL FOSTER A COMPETITIVE  
27 MARKETPLACE FOR INSURANCE AND SHALL NOT SOLICIT BIDS OR ENGAGE

1 IN THE ACTIVE PURCHASING OF INSURANCE. ALL CARRIERS AUTHORIZED  
2 TO CONDUCT BUSINESS IN THIS STATE MAY BE ELIGIBLE TO PARTICIPATE IN  
3 THE EXCHANGE.

4 **10-22-105. Exchange board of directors.** (1) (a) THERE IS  
5 HEREBY CREATED THE BOARD OF DIRECTORS OF THE EXCHANGE. THE  
6 BOARD CONSISTS OF TWELVE MEMBERS, OF WHOM NINE ARE VOTING  
7 MEMBERS AND THREE ARE NONVOTING, EX OFFICIO MEMBERS. ON OR  
8 BEFORE JULY 1, 2011, THE GOVERNOR SHALL APPOINT FIVE VOTING  
9 MEMBERS TO THE BOARD, AND THE PRESIDENT OF THE SENATE, THE  
10 MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF  
11 REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF  
12 REPRESENTATIVES SHALL EACH APPOINT ONE VOTING MEMBER TO THE  
13 BOARD. THE GOVERNOR SHALL NOT APPOINT MORE THAN THREE MEMBERS  
14 FROM THE SAME POLITICAL PARTY. THE BOARD SHALL ELECT ONE OF ITS  
15 MEMBERS AS CHAIR OF THE BOARD. MEMBERS OF THE BOARD MAY BE  
16 REMOVED BY THEIR RESPECTIVE APPOINTING AUTHORITIES FOR CAUSE.  
17 THE PERSON MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT, OR  
18 WHOEVER IS ENTITLED TO MAKE THE APPOINTMENT ON THE DATE OF A  
19 VACANCY, SHALL FILL THE VACANCY BY APPOINTMENT FOR THE  
20 REMAINDER OF AN UNEXPIRED TERM. MEMBERS MAY SERVE A MAXIMUM  
21 OF TWO CONSECUTIVE TERMS. IF A MEMBER IS APPOINTED TO FILL A  
22 VACANCY AND SERVES FOR MORE THAN HALF OF THE UNEXPIRED TERM,  
23 THE MEMBER SHALL BE ELIGIBLE FOR APPOINTMENT TO ONLY ONE MORE  
24 CONSECUTIVE TERM.

25 (b) THE PERSONS MAKING THE APPOINTMENTS SHALL COORDINATE  
26 APPOINTMENTS TO ENSURE THAT THERE IS BROAD REPRESENTATION WITHIN  
27 THE SKILL SETS SPECIFIED IN THIS PARAGRAPH (b) AND SHALL CONSIDER

1 THE GEOGRAPHIC, ECONOMIC, ETHNIC, AND OTHER CHARACTERISTICS OF  
2 THE STATE WHEN MAKING THE APPOINTMENTS. A MAJORITY OF THE  
3 VOTING MEMBERS MUST BE BUSINESS REPRESENTATIVES OR INDIVIDUALS  
4 WHO ARE NOT DIRECTLY AFFILIATED WITH THE INSURANCE INDUSTRY, AND  
5 NONE SHALL BE STATE EMPLOYEES. OF THE MEMBERS FIRST APPOINTED,  
6 IN ORDER TO ENSURE STAGGERED TERMS, FOUR OF THE GOVERNOR'S  
7 APPOINTEES SHALL SERVE FOR A TERM OF TWO YEARS AND THE REMAINING  
8 GOVERNOR'S APPOINTEE AND OTHER INITIAL APPOINTEES SHALL SERVE FOR  
9 A TERM OF FOUR YEARS. THEREAFTER, THE TERMS OF THE MEMBERS SHALL  
10 BE FOR FOUR YEARS. EACH PERSON APPOINTED TO THE BOARD SHOULD  
11 HAVE DEMONSTRATED EXPERTISE IN AT LEAST TWO, AND IN ANY CASE  
12 SHALL HAVE DEMONSTRATED EXPERTISE IN NO LESS THAN ONE, OF THE  
13 FOLLOWING AREAS:

- 14 (I) INDIVIDUAL HEALTH INSURANCE COVERAGE;
- 15 (II) SMALL EMPLOYER HEALTH INSURANCE;
- 16 (III) HEALTH BENEFITS ADMINISTRATION;
- 17 (IV) HEALTH CARE FINANCE;
- 18 (V) ADMINISTRATION OF A PUBLIC OR PRIVATE HEALTH CARE  
19 DELIVERY SYSTEM;
- 20 (VI) THE PROVISION OF HEALTH CARE SERVICES;
- 21 (VII) THE PURCHASE OF HEALTH INSURANCE COVERAGE;
- 22 (VIII) HEALTH CARE CONSUMER NAVIGATION OR ASSISTANCE;
- 23 (IX) HEALTH CARE ECONOMICS OR HEALTH CARE ACTUARIAL  
24 SCIENCES;
- 25 (X) INFORMATION TECHNOLOGY; OR
- 26 (XI) STARTING A SMALL BUSINESS WITH FIFTY OR FEWER  
27 EMPLOYEES.

1 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH  
2 CARE POLICY AND FINANCING, OR HIS OR HER DESIGNEE; THE  
3 COMMISSIONER OF INSURANCE, OR HIS OR HER DESIGNEE; AND THE  
4 DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT AND  
5 INTERNATIONAL TRADE, OR HIS OR HER DESIGNEE, SHALL SERVE AS  
6 NONVOTING, EX OFFICIO MEMBERS OF THE BOARD.

7 (2) EACH MEMBER OF THE BOARD IS RESPONSIBLE FOR MEETING  
8 THE REQUIREMENTS OF THIS ARTICLE AND ALL APPLICABLE STATE AND  
9 FEDERAL LAWS, RULES, AND REGULATIONS; SERVING IN THE PUBLIC  
10 INTEREST OF THE INDIVIDUALS AND SMALL BUSINESSES SEEKING HEALTH  
11 CARE COVERAGE THROUGH THE EXCHANGE; AND ENSURING THE  
12 OPERATIONAL WELL-BEING AND FISCAL SOLVENCY OF THE EXCHANGE.

13 (3) (a) BOARD MEMBERS SHALL NOT RECEIVE COMPENSATION FOR  
14 PERFORMANCE OF SERVICES FOR THE BOARD BUT MAY RECEIVE A PER DIEM  
15 AND REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
16 WHILE ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES OF THE BOARD.  
17 PER DIEM AND REIMBURSEMENT EXPENSES ARE PAID THROUGH GRANT  
18 MONEYS RECEIVED BY THE BOARD.

19 (b) A MEMBER OF THE BOARD SHALL NOT PERFORM AN OFFICIAL  
20 ACT THAT MAY HAVE A DIRECT ECONOMIC BENEFIT ON A BUSINESS OR  
21 OTHER UNDERTAKING IN WHICH THE MEMBER HAS A DIRECT OR  
22 SUBSTANTIAL FINANCIAL INTEREST.

23 (c) A BOARD MEMBER OR AN OFFICER OR EMPLOYEE OF THE  
24 EXCHANGE IS NOT LIABLE FOR AN ACT OR OMISSION WHEN ACTING IN HIS  
25 OR HER OFFICIAL CAPACITY, IN GOOD FAITH, WITHOUT INTENT TO DEFRAUD,  
26 AND IN CONNECTION WITH THE ADMINISTRATION, MANAGEMENT, OR  
27 CONDUCT OF THIS ARTICLE.

1           (4) (a) BOARD MEMBERS ARE SUBJECT TO ARTICLES 6, 18, AND 72  
2 OF TITLE 24, C.R.S.

3           (b) ALL MONEYS RECEIVED BY THE BOARD FOR THE EXCHANGE ARE  
4 SUBJECT TO AUDIT BY THE LEGISLATIVE AUDIT COMMITTEE. THE BOARD  
5 SHALL REPORT ALL MONEYS RECEIVED FOR THE EXCHANGE TO THE  
6 LEGISLATIVE AUDIT COMMITTEE.

7           (5) ANY INFORMATION PROVIDED TO A BOARD MEMBER PURSUANT  
8 TO THIS ARTICLE THAT IS EXEMPT FROM DISCLOSURE UNDER EITHER  
9 SECTION 24-72-204, C.R.S., OR PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S.,  
10 SHALL BE AND REMAIN CONFIDENTIAL AND MAY BE USED ONLY BY THE  
11 BOARD.

12           **10-22-106. Powers and duties of the board.** (1) THE BOARD IS  
13 THE GOVERNING BODY OF THE EXCHANGE AND HAS ALL THE POWERS AND  
14 DUTIES NECESSARY TO IMPLEMENT THIS ARTICLE. THE BOARD SHALL:

15           (a) APPOINT AN EXECUTIVE DIRECTOR TO ADMINISTER THE  
16 EXCHANGE, SUBJECT TO APPROVAL BY THE COMMITTEE;

17           (b) CREATE AN INITIAL OPERATIONAL AND FINANCIAL PLAN,  
18 SUBJECT TO APPROVAL BY THE COMMITTEE;

19           (c) APPLY FOR PLANNING AND ESTABLISHMENT GRANTS MADE  
20 AVAILABLE TO THE EXCHANGE PURSUANT TO THE FEDERAL ACT AND APPLY  
21 FOR, RECEIVE, AND EXPEND OTHER GIFTS, GRANTS, AND DONATIONS. EACH  
22 GRANT APPLICATION IS SUBJECT TO THE REVIEW AND UNANIMOUS  
23 APPROVAL OF THE BOARD CHAIR AND THE CHAIR AND VICE-CHAIR OF THE  
24 COMMITTEE PRIOR TO THE SUBMISSION OF THE APPLICATION. IF THERE IS  
25 NOT UNANIMOUS APPROVAL, EACH GRANT APPLICATION IS SUBJECT TO  
26 REVIEW AND THE MAJORITY APPROVAL OF THE COMMITTEE.

27           (d) CREATE TECHNICAL AND ADVISORY GROUPS AS NEEDED TO



1 REPORT TO THE BOARD. THE ADVISORY GROUPS SHALL MEET REGULARLY  
2 THROUGHOUT THE YEAR TO DISCUSS ISSUES RELATED TO THE EXCHANGE  
3 AND MAKE RECOMMENDATIONS TO THE BOARD.

4 (e) PROVIDE A WRITTEN REPORT, ON BEFORE JANUARY 15 OF EACH  
5 YEAR, TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE  
6 PLANNING AND ESTABLISHMENT OF THE EXCHANGE AND PRESENT THE  
7 REPORT TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND  
8 THE HOUSE OF REPRESENTATIVES HEALTH AND ENVIRONMENT COMMITTEE,  
9 OR THEIR SUCCESSOR COMMITTEES;

10 (f) REVIEW THE INTERNET PORTAL OPERATED AND MAINTAINED BY  
11 THE SECRETARY AND THE MODEL TEMPLATE FOR AN INTERNET PORTAL  
12 MADE AVAILABLE BY THE SECRETARY FOR USE BY THE STATE EXCHANGES  
13 AND REVIEW OTHER APPROPRIATE INTERNET PORTALS. THE REVIEW MUST  
14 INCLUDE AN EXAMINATION AS TO WHETHER THE MODEL TEMPLATE MAY BE  
15 USED TO DIRECT INDIVIDUALS AND EMPLOYERS TO HEALTH PLANS, TO  
16 ASSIST INDIVIDUALS AND EMPLOYERS IN DETERMINING WHETHER THEY ARE  
17 ELIGIBLE TO PARTICIPATE IN THE EXCHANGE OR ELIGIBLE FOR A PREMIUM  
18 TAX CREDIT OR COST-SHARING REDUCTION, AND TO PRESENT  
19 STANDARDIZED INFORMATION REGARDING HEALTH PLANS OFFERED  
20 THROUGH THE EXCHANGE TO ASSIST CONSUMERS IN MAKING HEALTH  
21 INSURANCE CHOICES.

22 (g) CONSIDER THE DESIRABILITY OF STRUCTURING THE EXCHANGE  
23 AS ONE ENTITY THAT INCLUDES TWO UNDERLYING ENTITIES TO OPERATE IN  
24 THE INDIVIDUAL AND THE SMALL EMPLOYER MARKETS, RESPECTIVELY;

25 (h) CONSIDER THE APPROPRIATE SIZE OF THE SMALL EMPLOYER  
26 MARKET UNDER THE EXCHANGE, TAKING INTO CONSIDERATION THE  
27 DEFINITION OF "SMALL EMPLOYER" PURSUANT TO SECTION 10-16-102;

1           (i) CONSIDER THE UNIQUE NEEDS OF RURAL COLORADANS AS THEY  
2           PERTAIN TO ACCESS, AFFORDABILITY, AND CHOICE IN PURCHASING HEALTH  
3           INSURANCE;

4           (j) CONSIDER THE AFFORDABILITY AND COST IN THE CONTEXT OF  
5           QUALITY CARE AND INCREASED ACCESS TO PURCHASING HEALTH  
6           INSURANCE; AND

7           (k) INVESTIGATE REQUIREMENTS, DEVELOP OPTIONS, AND  
8           DETERMINE WAIVERS, IF APPROPRIATE, TO ENSURE THAT THE BEST  
9           INTERESTS OF COLORADANS ARE PROTECTED.

10           (2) THE BOARD MAY ENTER INTO INFORMATION-SHARING  
11           AGREEMENTS WITH FEDERAL AND STATE AGENCIES AND OTHER STATE  
12           EXCHANGES TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS ARTICLE SO  
13           LONG AS THE AGREEMENTS INCLUDE ADEQUATE PROTECTIONS WITH  
14           RESPECT TO THE CONFIDENTIALITY OF THE INFORMATION THAT IS SHARED  
15           AND COMPLY WITH ALL STATE AND FEDERAL LAWS, RULES, AND  
16           REGULATIONS.

17           **10-22-107. Legislative health benefit exchange implementation**  
18           **review committee - creation - duties.** (1) FOR THE PURPOSES OF  
19           GUIDING IMPLEMENTATION OF AN EXCHANGE IN COLORADO, MAKING  
20           RECOMMENDATIONS TO THE GENERAL ASSEMBLY, AND ENSURING THAT THE  
21           INTERESTS OF COLORADANS ARE PROTECTED AND FURTHERED, THERE IS  
22           HEREBY CREATED THE LEGISLATIVE HEALTH BENEFIT EXCHANGE  
23           IMPLEMENTATION REVIEW COMMITTEE. THE COMMITTEE SHALL MEET ON  
24           OR BEFORE AUGUST 1, 2011, AND THEREAFTER AT THE CALL OF THE CHAIR  
25           AS OFTEN AS FIVE TIMES DURING EACH CALENDAR YEAR. THE COMMITTEE  
26           MAY USE THE LEGISLATIVE COUNCIL STAFF TO ASSIST ITS MEMBERS IN  
27           RESEARCHING ANY MATTERS.

1           (2) (a) THE PRESIDENT OF THE SENATE SHALL APPOINT THREE  
2 MEMBERS TO THE COMMITTEE. TWO APPOINTEES SHALL BE MEMBERS OF  
3 THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE BUSINESS,  
4 LABOR, AND TECHNOLOGY COMMITTEE, OR THE LEGISLATIVE AUDIT  
5 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. ONE APPOINTEE SHALL  
6 BE A REPRESENTATIVE OF THE SENATE AT LARGE.

7           (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
8 APPOINT THREE MEMBERS TO THE COMMITTEE. TWO APPOINTEES SHALL BE  
9 MEMBERS OF THE HOUSE HEALTH AND ENVIRONMENT COMMITTEE, THE  
10 ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE, OR THE LEGISLATIVE  
11 AUDIT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. ONE APPOINTEE  
12 SHALL BE A REPRESENTATIVE OF THE HOUSE OF REPRESENTATIVES AT  
13 LARGE.

14           (c) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO  
15 MEMBERS TO THE COMMITTEE. ONE APPOINTEE SHALL BE A MEMBER OF  
16 THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE BUSINESS,  
17 LABOR, AND TECHNOLOGY COMMITTEE, OR THE LEGISLATIVE AUDIT  
18 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. ONE APPOINTEE SHALL  
19 BE A REPRESENTATIVE OF THE SENATE AT LARGE.

20           (d) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES  
21 SHALL APPOINT TWO MEMBERS TO THE COMMITTEE. ONE APPOINTEE SHALL  
22 BE A MEMBER OF THE HOUSE HEALTH AND ENVIRONMENT COMMITTEE, THE  
23 ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE, OR THE LEGISLATIVE  
24 AUDIT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. ONE APPOINTEE  
25 SHALL BE A REPRESENTATIVE OF THE HOUSE OF REPRESENTATIVES AT  
26 LARGE.

27           (e) MEMBERS OF THE COMMITTEE SHALL SERVE AT THE PLEASURE

1 OF THE APPOINTING AUTHORITY.

2 (3) MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT  
3 COMPENSATION; EXCEPT THAT EACH MEMBER SHALL RECEIVE THE SUMS  
4 SPECIFIED IN SECTION 2-2-307 (3) (a) AND (3) (b), C.R.S., FOR  
5 ATTENDANCE AT MEETINGS OF THE COMMITTEE WHEN THE GENERAL  
6 ASSEMBLY IS IN RECESS FOR MORE THAN THREE DAYS OR IS NOT IN SESSION.

7 (4) DURING ODD-NUMBERED YEARS, THE PRESIDENT OF THE  
8 SENATE SHALL APPOINT THE CHAIR AND THE SPEAKER OF THE HOUSE OF  
9 REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE COMMITTEE.  
10 DURING EVEN-NUMBERED YEARS THE SPEAKER OF THE HOUSE OF  
11 REPRESENTATIVES SHALL APPOINT THE CHAIR, AND THE PRESIDENT OF THE  
12 SENATE SHALL APPOINT THE VICE-CHAIR OF THE COMMITTEE.

13 (5) IN ANY YEAR, THE COMMITTEE MAY REPORT UP TO FIVE BILLS  
14 OR OTHER MEASURES TO THE LEGISLATIVE COUNCIL CREATED IN SECTION  
15 2-3-301, C.R.S. THESE BILLS ARE EXEMPT FROM ANY APPLICABLE BILL  
16 LIMIT IMPOSED ON THE INDIVIDUAL COMMITTEE MEMBERS SPONSORING  
17 SUCH BILLS IF THE BILLS HAVE BEEN APPROVED BY THE LEGISLATIVE  
18 COUNCIL UNDER JOINT RULES OF THE SENATE AND HOUSE OF  
19 REPRESENTATIVES.

20 (6) THE COMMITTEE SHALL REVIEW GRANTS APPLIED FOR BY THE  
21 BOARD TO IMPLEMENT THE EXCHANGE.

22 (7) THE COMMITTEE SHALL REVIEW THE FINANCIAL AND  
23 OPERATIONAL PLANS OF THE EXCHANGE.

24 **10-22-108. Moneys for implementation of the exchange.**  
25 MONEYS RECEIVED BY THE BOARD FOR THE IMPLEMENTATION OF THIS  
26 ARTICLE MUST BE TRANSFERRED DIRECTLY TO THE EXCHANGE FOR THE  
27 PURPOSES OF THIS ARTICLE. THE BOARD SHALL DEPOSIT ANY MONEYS

1 RECEIVED IN A BANKING INSTITUTION WITHIN OR OUTSIDE THE STATE.  
2 MONEYS FROM THE GENERAL FUND SHALL NOT BE USED FOR THE  
3 IMPLEMENTATION OF THIS ARTICLE, EXCEPT FOR THE SUMS SPECIFIED IN  
4 SECTION 10-22-107 (3) AND FOR LEGISLATIVE STAFF AGENCY SERVICES.  
5 THE BANKING INSTITUTION MUST BE INSURED BY THE FEDERAL DEPOSIT  
6 INSURANCE CORPORATION AND COMPLIANT WITH THE "SAVINGS AND LOAN  
7 ASSOCIATION PUBLIC DEPOSIT PROTECTION ACT", ARTICLE 47 OF TITLE 11,  
8 C.R.S.

9 **SECTION 2. Accountability.** Five years after this act becomes  
10 law and in accordance with section 2-2-1201, Colorado Revised Statutes,  
11 the legislative service agencies of the Colorado General Assembly shall  
12 conduct a post-enactment review of the implementation of this act  
13 utilizing the information contained in the legislative declaration set forth  
14 in section 1 of this act.

15 **SECTION 3. No appropriation.** The general assembly has  
16 determined that this act can be implemented within existing  
17 appropriations, and therefore no separate appropriation of state moneys is  
18 necessary to carry out the purposes of this act.

19 **SECTION 4. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.