	SENATE JOURNAL Sixty-fifth General Assembly STATE OF COLORADO Second Regular Session
	100th Legislative DayThursday, April 20, 2006
Prayer	By Senator Fitz-Gerald.
Pledge	By Senator Shaffer.
Call to Order	By the President at 9:00 a.m.
Roll Call	Present32. Excused3; Entz, May, Mitchell. Present laterMitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Boyd, reading of the Journal of April 19, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.
	COMMITTEE OF REFERENCE REPORTS
Appro- priations	After consideration on the merits, the Committee recommends that HB06-1157 be referred to the Committee of the Whole with favorable recommendation.
Appro- priations	After consideration on the merits, the Committee recommends that HB06-1086 be referred to the Committee of the Whole with favorable recommendation.
Appro- priations	After consideration on the merits, the Committee recommends that HB06-1161 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
	Amend reengrossed bill, page 15, line 17, strike "colorado bureau of investigations," and substitute "Colorado bureau of investigation,".
	Page 16, line 3, after "from" insert "cash funds exempt".
Appro- priations	After consideration on the merits, the Committee recommends that HB06-1127 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
	Amend reengrossed bill, page 25, line 10, strike "one";
	strike line 11;
	line 12, strike "(\$126,979)" and substitute "one hundred ten thousand one hundred ten dollars (\$110,110)".
Appro- priations	After consideration on the merits, the Committee recommends that HB06-1105 be postponed indefinitely.

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INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB06-1013 by Representative(s) Gallegos; also Senator(s) Hagedorn--Concerning assistance grants for elderly and disabled persons. State, Veterans & Military Affairs

On motion of Senator Gordon, 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 -- SJR06-030.

CONSIDERATION OF RESOLUTIONS

SJR06-030 by Senator(s) Sandoval; also Representative(s) Merrifield, Rose--Concerning support of the goals and ideals of "The Year of the Museum".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell		Y Tochtrop	Y
Boyd	Y	Isgar	Y	Owen		Y Traylor	Y
Brophy	Y	Johnson	Y	Sandoval		Y Tupa	Y
Dyer	Y	Jones	Y	Shaffer		Y Veiga	Y
Entz	E	Keller	Y	Spence		Y Wiens	Y
Evans	Y	Kester	Y	Takis		Y Williams	Y
Gordon	Y	Lamborn	Y	Tapia		Y Windels	Y
Groff	Y	May R.		Taylor		Y President	Y
Grossman	Y	McĚlhany	Y	Teck		Y	

Co-sponsors added: Bacon, Boyd, Brophy, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, Lamborn, McElhany, Mitchell, Owen, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & The Committee on <u>Business, Labor and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE COVERCOLORADO BOARD OF DIRECTORS

for a term ending July 1, 2009:

Michael B. Norris of Brighton, Colorado, to serve as a representative of a stop-loss or excess loss insurance carrier, appointed.

Business, Labor, & The Committee on <u>Business, Labor and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE EXAMINING BOARD OF PLUMBERS

for terms expiring July 1, 2009:

Michael E. Wieseler of Westminster, Colorado, to serve as a journeyman plumber and as a Democrat, reappointed;

Giles J. Schurman of Broomfield, Colorado, to serve as an employee of a local government 68 agency conducting plumbing inspections and as a Democrat, reappointed; 69

Von DeWayne Stelljes of Brighton, Colorado, to fill the vacancy occasioned by the resignation of Paul W. Christensen of Placerville, Colorado, and to serve as a member of the public and as a Republican, appointed.

Business,
Labor, &
TechnologyAfter consideration on the merits, the Committee recommends that **HB06-1323** be referred
to the Committee of the Whole with favorable recommendation and with a
recommendation that it be placed on the Consent Calendar.

Business, Labor, & The Committee on <u>Business, Labor and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2006:

Corry D. Mihm of Breckenridge, Colorado, to fill the vacancy occasioned by the resignation of Sarah L. MacQuiddy of Greeley, Colorado, and to serve as a representative of the destination marketing industry, appointed;

Kevin B. Schneider of Carbondale, Colorado, to fill the vacancy occasioned by the resignation of Kathy Palmeri of Estes Park, Colorado, and to serve as a representative of other outdoor recreation industries, appointed.

for terms expiring June 1, 2009:

Stephanie Foote of Denver, Colorado, to fill the vacancy occasioned by the resignation of Douglas L. Jones of Denver, Colorado, and to serve as a representative of cultural event and facility groups and as a Republican, appointed;

Janet L. Frederick of Eads, Colorado, to serve as an at large representative of tourismbased industries and as an Unaffiliated, appointed;

for a term expiring June 1, 2008:

Andre A. Gutierrez of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Steve Szapor, Jr., of Highlands Ranch, Colorado, and to serve as a representative of private travel attractions and casinos and as a Republican, reappointed.

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:

SB06-001 by Senator(s) Hagedorn; also Representative(s) Madden--Concerning a reduction in the cost of prescription drugs, and making an appropriation therefor.

Laid over until Friday, April 21, retaining its place on the calendar.

SB06-046 by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, Benefield, Pommer--Concerning the study of an education system ranging from prekindergarten through higher education, and, in connection therewith, creating a legislative oversight committee and special council, and making an appropriation.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell		Y Tochtrop	Y
Boyd	Y	Isgar	Y	Owen		Y Traylor	Y
Brophy	Ν	Johnson	N	Sandoval		Y Tupa	Y
Dyer	Ν	Jones	Y	Shaffer		Y Veiga	Y
Entz	E	Keller	Y	Spence		N Wiens	Y
Evans	Y	Kester	Y	7 Takis		Y Williams	Y
Gordon	Y	Lamborn	N	Tapia		Y Windels	Y
Groff	Y	May R.	E	2 Taylor		Y President	Y
Grossman	Y	McĚlhany	Y	Teck		Y	

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

Co-sponsors added: Boyd, Groff and Shaffer.

SB06-081 by Senator(s) Veiga; also Representative(s) Madden--Concerning the expansion of employment nondiscrimination protections, and making an appropriation therefor.

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

YES	19	NO	14	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell		N Tochtrop	Y
Boyd	Y	Isgar	Y	Owen		N Traylor	Ν
Brophy	Ν	Johnson	Ν	Sandoval		Y Tupa	Y
Dyer	Ν	Jones	Ν	Shaffer		Y Veiga	Y
Entz	E	Keller	Y	Spence		N Wiens	Ν
Evans	Ν	Kester	Y	Takis		Y Williams	Y
Gordon	Y	Lamborn	Ν	Tapia		Y Windels	Y
Groff	Y	May R.	E	Taylor		N President	Y
Grossman		McĚlhany	Ν	Teck		Ν	

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

Co-sponsors added: Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Grossman, Keller, Sandoval, Shaffer, Takis, Tapia, Tochtrop, Tupa, Williams and Windels.

SB06-069 by Senator(s) Windels; also Representative(s) Merrifield--Concerning school accountability.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell		N Tochtrop	Y
Boyd		Isgar	Y	Owen		N Traylor	Ν
Brophy		Johnson	Y	Sandoval		Y Tupa	Y
Dyer	Ν	Jones	Ν	Shaffer		Y Veiga	Y
Entz	E	Keller	Y	Spence		N Wiens	Ν
Evans	Y	Kester		Takis		Y Williams	Y
Gordon	Y	Lamborn	Ν	Tapia		Y Windels	Y
Groff	Y	May R.		Taylor		N President	Y
Grossman		McĚlhany	Ν	Teck		N	

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

Co-sponsors added: Bacon, Shaffer, Tupa and Williams.

IMMEDIATE RECONSIDERATION OF SB06-046

SB06-046 by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, Benefield, Pommer--Concerning the study of an education system ranging from prekindergarten through higher education, and, in connection therewith, creating a legislative oversight committee and special council, and making an appropriation.

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Having voted on the prevailing side, Senator Mitchell moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB06-046. The roll call was taken with the following result:

YES	33 N	0	0	EXCUSED	2	ABSENT	0
Bacon	ΥH	lagedorn	Y	Mitchell		Y Tochtrop	Y
Boyd	Y Is	sgar	Y	Owen		Y Traylor	Y
Brophy	Y Jo	ohnson	Y	Sandoval		Y Tupa	Y
Dyer	Y Jo	ones	Y	Shaffer		Y Veiga	Y
Entz	ΕK	leller	Y	Spence		Y Wiens	Y
Evans	Y K	lester	Y	Takis		Y Williams	Y
Gordon	Y L	amborn	Y	Tapia		Y Windels	Y
Groff	Y M	lay R.		Taylor		Y President	Y
Grossman		IcĚlhany	Y	Teck		Y	

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

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:

SB06-046 by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, Benefield, Pommer--Concerning the study of an education system ranging from prekindergarten through higher education, and, in connection therewith, creating a legislative oversight committee and special council, and making an appropriation.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell		N Tochtrop	Y
Boyd	Y	Isgar	Y	Owen		Y Traylor	Y
Brophy		Johnson	Ν	Sandoval		Y Tupa	Y
Dyer	Ν	Jones	Y	Shaffer		Y Veiga	Y
Entz	E	Keller	Y	Spence		N Wiens	Ν
Evans	Y	Kester	Y	Takis		Y Williams	Y
Gordon	Y	Lamborn	Ν	Tapia		Y Windels	Y
Groff	Y	May R.	E	Taylor		Y President	Y
Grossman		McĚlhany	Ν	Teck		Y	

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

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB06-193, SB06-183, SB06-150, SB06-022, SB06-011, SB06-111, SB06-096, SB06-065, SB06-213 were made Special Orders at 9:35 a.m.

Committee of the bour of 9:35 a.m. having arrived, Senator Williams moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Williams was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB06-193 by Senator(s) Wiens; --Concerning the development of underground water storage.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. (Printed in Senate Journal, March 6, page 409 and placed in members' bill files.) Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 19, page 951 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-150 by Senator(s) Grossman; also Representative(s) Hefley--Concerning DNA testing of all felons.

<u>Amendment No. 1, Judiciary Committee Amendment</u>. (Printed in Senate Journal, February 22, page 306-310 and placed in members' bill files.)

<u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, April 19, page 952-953 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Grossman.

Amend the Judiciary Committee Report, dated February 14, 2006, page 7, line 2, strike "16-11-102.3," and substitute "16-11-102.3,";

line 7, strike "16-11-102.3," and substitute "16-11-102.3,".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-022 by Senator(s) Kester, Traylor, Williams; also Representative(s) Penry--Concerning sexually violent predators.

<u>Amendment No. 1, Judiciary Committee Amendment</u>. (Printed in Senate Journal, February 14, page 201 and placed in members' bill files.)

<u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, April 19, page 953 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Gordon.

Amend printed bill, page 8, strike line 15;

line 16, strike "approve" and substitute "(c.5) On or before January 1, 1999; The board shall consult on, and approve, AND REVISE AS NECESSARY";

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-011 by Senator(s) Tapia, Hagedorn, Keller, Shaffer; also Representative(s) Butcher, Boyd, Green--Concerning a study to analyze factors that drive the cost of health care within Pueblo county.

<u>Amendment No. 1, Health and Human Services Committee Amendment</u>. (Printed in Senate Journal, January 20, page 50 and placed in members' bill files.)

<u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, April 19, pages 963-964 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-111 by Senator(s) Groff; also Representative(s) Marshall--Concerning a requirement of cultural competency for health-related professionals.

<u>Amendment No. 1, Education Committee Amendment</u>. (Printed in Senate Journal, February 20, pages 270-271 and placed in members' bill files.)

<u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, April 19, pages 964-965 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-096 by Senator(s) Taylor; --Concerning resources to fight wildfires, and making an appropriation in connection therewith.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. (Printed in Senate Journal, January 31, pages 93-94 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 19, pages 965-968 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-065 by Senator(s) Windels; also Representative(s) McKinley--Concerning the capital construction needs of Colorado public schools.

<u>Amendment No. 1, Education Committee Amendment</u>. (Printed in Senate Journal, February 13, page 185 and placed in members' bill files.)

<u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, April 19, pages 968-969 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-213 by Senator(s) Hagedorn; also Representative(s) Penry--Concerning the requirement that health care services provided at an in-network facility be provided to the covered person at no greater cost than services provided by an in-network provider.

Amendment No. 1, Health and Human Services Committee Amendment. (Printed in Senate Journal, April 14, pages 869-870 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Hagedorn.

Amend the Health and Human Services Committee Report, dated April 13, 2006, page 2, line 10, strike "HOWEVER, THE" and substitute "THE";

line 14, strike "THEREFORE, IN ORDER TO";

strike lines 15 through 20.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-183 by Senator(s) Isgar, Taylor, Entz, Kester; also Representative(s) Curry--Concerning the water resources research institute.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. (Printed in Senate Journal, March 2, page 388 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 19, pages 951-952 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Isgar.

Amend the Appropriations Committee Report, dated April 19, 2006, page 1, strike lines 5 through 19 and substitute the following:

"Page 2 of the printed bill, strike lines 1 through 4.

Renumber succeeding sections accordingly.".

Page 2 of the committee report, line 1, before "strike" insert "Page 2,";

strike lines 2 through 32 of the committee report and substitute the following:

""**SECTION 2.** 39-29-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal. (7) (a) SUBJECT TO THE MAINTENANCE OF THE END BALANCE REQUIREMENT OF PARAGRAPH (f) OF SUBSECTION (1.5) OF THIS SECTION AND A TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (1), FIVE HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND SHALL BE APPROPRIATED FOR FISCAL YEAR 2006-07 FOR PURPOSES SPECIFIED IN ARTICLE 35 OF TITLE 23, C.R.S.

(b) This subsection (7) is repealed, effective July 1, 2007.".".

Page 3 of the committee report, strike lines 1 and 2 and substitute the following:

"line 5 of the, strike "general fund" and substitute "operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes,";".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Williams, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06-193 as amended, SB06-150 as amended, SB06-022 as amended, SB06-011 as amended, SB06-111 as amended, SB06-096 as amended, SB065 as amended, SB06-213 as amended, SB06-183 as amended.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills -- SB06-051.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB06-051 by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.

Senator Tupa moved that the Senate not concur in House amendments to **SB06-051**, as printed in House Journal, April 6, pages 1083-1084, and that a Conference Committee be appointed.

The motion was **adopted** on the following roll call vote:

YES	19	NO	14	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	V Tochtrop	Ν
Boyd	Y	Isgar	Ν	Owen	Ŋ	Traylor	Y
Brophy		Johnson	Ν	Sandoval	Ŋ	7 Tupa	Y
Dyer	Ν	Jones	Ν	Shaffer	Ŋ	/ Veiga	Y
Entz	E	Keller	Y	Spence	N	V Wiens	Ν
Evans	Ν	Kester	Y	Takis	Ŋ	Williams	Y
Gordon	Y	Lamborn	Ν	Tapia	Ŋ	Windels	Y
Groff	Y	May R.		Taylor	Ν	V President	Y
Grossman		McĚlhany	Ν	Teck	N	J	

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Tupa, Chairman, Groff, and Mitchell as Senate Conference on the First Conference Committee on **SB06-051**.

SENATE SERVICES REPORT

Correctly Printed: SB06-230, 231, and 232; SJR06-029, 030, 031, and 032; SR06-009, 010, and 011. **Correctly Engrossed**: SB06-001, 046, 069, and 081; SJR06-020, and 028. **Correctly Reengrossed**: SB06-004, 048, 059, 061, 072, 128, 130, 131, 136, 141, 148, 165, 217, and 218; SCR06-001. **Correctly Revised**: HJR06-1021. **Correctly Rerevised**: HB06-1355.

TRIBUTES

Honoring:

General James C. Hall-- by Senator Spence.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 20 was laid over until Friday, April 21, retaining its place on the calendar.

General Orders -- Second Reading of Bills: HB06-1346, SB06-221, HB06-1379. Consideration of Resolutions: SJR06-019, SJR06-022, SJR06-015, SJR06-029, SR06-009, HJR06-1016, SJR06-031, SJR06-032, SR06-010, SR06-011. Consideration of Memorials: SJM06-001, HJM06-1002. Consideration of House Amendments to Senate Bills: SB06-014, SB06-041 SB06-204. Consideration of House Adherence: HB06-1159 Consideration of Governor's Appointments: Members of the Read-To-Achieve Board. Members of the Financial Services Board. Members of the Colorado Banking Board. Consideration of Conference Committee Reports: HB06-1288, HB06-1209.

Conference Committees to Report: HB06-1121, HB06-1169, HB06-1251.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Friday, April 21, 2006.

Approved:

Joan Fitz-Gerald President of the Senate

Attest:

Karen Goldman Secretary of the Senate