

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

35th Legislative Day Tuesday, February 14, 2006

- Prayer 10
By the chaplain, Rev. Dwight Blackstock, Presbyterian Church of the Covenant,
Greenwood Village. 11
- Pledge 12
By Senator Johnson. 13
- Call to 14
Order 15
By the President at 9:00 a.m. 16
- Roll Call 17
Present--31. 18
Excused--4; Grossman, Hagedorn, Shaffer, Traylor. 19
Present later--Grossman, Shaffer, Traylor. 20
- Quorum 21
The President announced a quorum present. 22
- Reading of 23
Journal 24
On motion of Senator Hanna, reading of the Journal of February 13, 2006 was
dispensed with and the Journal was approved as corrected by the Secretary. 25

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:

SB06-108 by Senator(s) Hagedorn; also Representative(s) Hefley--Concerning the early discharge of juveniles from parole.

Laid over until Wednesday, February 15, retaining its place on the calendar.

SB06-114 by Senator(s) Kester, Brophy, Taylor, Tochtrop; also Representative(s) Gardner, Boyd-- Concerning the expansion of anaerobic controls to allow additional technologies to be used in the operation of housed commercial swine feeding operations.

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

YES	23	NO	9	EXCUSED	3	ABSENT	0
Bacon		N Hanna		Y Mitchell		Y Tochtrop	Y
Brophy		Y Isgar		Y Owen		Y Traylor	Y
Dyer		Y Johnson		Y Sandoval		Y Tupa	N
Entz		N Jones		Y Shaffer		E Veiga	Y
Evans		Y Keller		N Spence		Y Wiens	Y
Gordon		N Kester		Y Takis		N Williams	N
Groff		Y Lamborn		Y Tapia		Y Windels	N
Grossman		E May R.		Y Taylor		Y President	N
Hagedorn		E McElhany		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: Wiens.

SB06-118 by Senator(s) Williams; also Representative(s) Larson--Concerning amendments to the "Exceptional Children's Educational Act" to conform with the federal "Individuals with Disabilities Education Improvement Act of 2004".

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	E	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	E	May R.	Y	Taylor	Y	President	Y
Hagedorn	E	McElhany	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: Gordon, Groff, Hanna, Isgar, Keller, Tochtrop, Tupa and Windels.

SB06-087

by Senator(s) Jones, Groff, Johnson, Kester, Sandoval, Spence; also Representative(s) Frangas--Concerning the requirement that a person inform a patient about the duty to report certain conditions to a health department.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	E	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	E	May R.	Y	Taylor	Y	President	Y
Hagedorn	E	McElhany	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: Mitchell and Tupa.

SB06-112

by Senator(s) Teck; also Representative(s) Buescher--Concerning a prohibition on increases in an insured's liability to pay for health care services due to a change in a provider's network status.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	E	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	E	May R.	Y	Taylor	Y	President	Y
Hagedorn	E	McElhany	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: Isgar, Keller, Sandoval and Williams.

SB06-107

by Senator(s) Johnson, Shaffer; also Representative(s) Boyd--Concerning the authorization of small employer carriers to vary certain requirements by product.

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

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (SB06-140, SB06-142, HB06-1015, SB06-132) of February 14 was laid over until Wednesday, February 15, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills calendar (SB06-109, SB06-091, SB06-106, SB06-093, SB06-036, SB06-121, SB06-068, SB06-055) of February 14 was laid over until Wednesday, February 15, retaining its place on the calendar.

CONSIDERATION OF RESOLUTIONS

HJR06-1009 by Representative(s) Curry, Buescher, Hall, Plant, Gallegos, Larson, McFadyen, Penry, Rose; also Senator(s) Entz, Keller, Owen, Tapia--Concerning support for construction of an academic building at Western State College of Colorado using private funding.

Laid over until Wednesday, February 22, retaining its place on the calendar.

HJR06-1012 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning the certification by the general assembly of the amount of state education fund revenues that should be considered available for appropriation for the 2006-07 state fiscal year.

Laid over until Wednesday, February 15, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Governor's Appointments calendar (Members of the Hazardous Waste Commission) of February 14 was laid over until Wednesday, February 15, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB06-120** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 4, after "(3)", insert "(a)";
line 13, after the period, add "FOR PURPOSES OF THIS SUBSECTION (3),"

"FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE AGENCY ACTION IS BASED.";

after line 13, insert the following:

"(b) THE FULL INVESTIGATION REQUIREMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO LICENSES ISSUED UNDER ARTICLES 1.1, 9, 10, 11, 11.5, 12, 13, 14, AND 16 OF TITLE 40 OR ARTICLE 2 OF TITLE 42, C.R.S.";

line 14, after "(4)", insert "(a)";

line 20, after the period, add "FOR PURPOSES OF THIS SUBSECTION (4), "FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE AGENCY ACTION IS BASED.";

after line 20, insert the following:

"(b) THE FULL INVESTIGATION REQUIREMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO LICENSES ISSUED UNDER ARTICLES 1.1, 9, 10, 11, 11.5, 12, 13, 14, AND 16 OF TITLE 40 OR ARTICLE 2 OF TITLE 42, C.R.S.".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-103** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-139** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-143** be referred to the Committee of the Whole with favorable recommendation.

APPOINTMENTS BY THE PRESIDENT OF THE SENATE

Pursuant to Senate Rule 22C, the President has appointed the following Senators to serve on the Senate Select Committee on Government Accountability: Senator Groff, Chair; Senator Grossman and Senator Hanna.

Senator McElhany has appointed the following Senators to serve on the Senate Select Committee on Government Accountability: Senator Owen and Senator Teck.

Pursuant to Joint Rule 41, the President has appointed the following Senators to serve on the Joint Select Committee on Homeland Security: Senator Grossman, Chair; Senator Hagedorn and Senator Isgar.

Senator McElhany has appointed the following Senators to serve on the Joint Select Committee on Homeland Security: Senator Spence and Senator Teck.

SENATE SERVICES REPORT

Correctly Printed: SB06-183, 184, 185, 186, 187, 188, 189, and 190.

Correctly Engrossed: SB06-087, 107, 112, 114, and 118.

Correctly Reengrossed: SB06-021, 029, 039, 083, 124, 126, and 160.

Correctly Rerevised: HB06-1014, and 1087.

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COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB06-022** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, line 13, strike "(6)" and substitute "(6) (a)";
after line 22, insert the following:

"(b) WHEN A PEACE OFFICER MAKES A WARRANTLESS ARREST PURSUANT TO THIS SUBSECTION (6), THE PEACE OFFICER SHALL IMMEDIATELY NOTIFY THE COLORADO BUREAU OF INVESTIGATION OF THE ARREST. UPON RECEIVING THE NOTIFICATION, THE COLORADO BUREAU OF INVESTIGATION SHALL NOTIFY THE JURISDICTION WHERE THE SEXUALLY VIOLENT PREDATOR LAST REGISTERED. THE JURISDICTION WHERE THE SEXUALLY VIOLENT PREDATOR LAST REGISTERED, IF IT IS NOT THE JURISDICTION WHERE THE PROBABLE CAUSE ARREST IS MADE, SHALL COORDINATE WITH THE ARRESTING JURISDICTION IMMEDIATELY TO DETERMINE THE APPROPRIATE JURISDICTION THAT WILL FILE THE CHARGE. IF THE SEXUALLY VIOLENT PREDATOR IS BEING HELD IN CUSTODY AFTER THE ARREST, THE APPROPRIATE JURISDICTION SHALL HAVE NO LESS THAN FIVE BUSINESS DAYS AFTER THE DATE OF THE ARREST TO CHARGE THE SEXUALLY VIOLENT PREDATOR."

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, February 15, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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