

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

24th Legislative Day

Friday, February 3, 2006

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Prayer	By the chaplain, Dr. Paul Martin, Macedonia Baptist Church, Denver.	11
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Pledge	By Senator Tochtrop.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--33.	18
	Absent--2; Grossman, Mitchell.	19
	Present later--Grossman, Mitchell.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Williams, reading of the Journal of February 2, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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Finance	After consideration on the merits, the Committee recommends that SB06-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
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	Amend printed bill, page 3, line 14, after "(3.5)", insert "(a)";	36
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	line 16, after "SECTION,", insert "AND WHEN THE LOCAL PLAN ALLOWS FOR THE INDIVIDUAL SELF-DIRECTION OF EACH MEMBER'S ACCOUNT,".	38
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	Page 4, after line 1, insert the following:	41
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	"(b) NOTHING CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL BE CONSTRUED TO WAIVE OR INVALIDATE THE REQUIREMENT FOR AN ELECTION OF MEMBERS THAT MAY BE REQUIRED BY A LOCAL PLAN DOCUMENT, TRUST AGREEMENT, OR LABOR AGREEMENT.".	43
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	Page 6, line 6, after "(c.5)", insert "(I)";	48
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	line 8, after "(1),", insert "AND WHEN THE LOCAL PLAN ALLOWS FOR THE INDIVIDUAL SELF-DIRECTION OF EACH MEMBER'S ACCOUNT,";	50
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	after line 21, insert the following:	53
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	"(II) NOTHING CONTAINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c.5) SHALL BE CONSTRUED TO WAIVE OR INVALIDATE THE REQUIREMENT FOR AN ELECTION OF MEMBERS THAT MAY BE REQUIRED BY A LOCAL PLAN DOCUMENT, TRUST AGREEMENT, OR LABOR AGREEMENT.".	55
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Trans- portation	After consideration on the merits, the Committee recommends that SB06-094 be referred to the Committee of the Whole with favorable recommendation.	61
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Trans- After consideration on the merits, the Committee recommends that **SB06-083** be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB06-170** by Senator(s) Gordon; --Concerning the conduct of elections. State, Veterans & Military Affairs
SB06-171 by Senator(s) Johnson; also Representative(s) Lindstrom--Concerning the transfer of certain authorities of the state board of health to other governmental entities. Agriculture, Natural Resources & Energy
SB06-172 by Senator(s) Taylor; --Concerning an exemption to certain motor vehicle requirements for persons who are honored for service in the armed forces of the United States. State, Veterans & Military Affairs
SB06-173 by Senator(s) Entz; also Representative(s) Marshall--Concerning mileage allowances for state officers and employees. Finance
HB06-1056 by Representative(s) Madden; also Senator(s) Hanna--Concerning the provision of healthy nutrition alternatives in public schools. Education
HB06-1063 by Representative(s) Cadman; also Senator(s) McElhany--Concerning clarifying a court's ability to impose global position monitoring on persons involved in criminal matters. Judiciary
HB06-1093 by Representative(s) White; also Senator(s) Taylor--Concerning Colorado northwestern community college. Education
HB06-1098 by Representative(s) Cloer; also Senator(s) Keller--Concerning the inclusion of mental health in-service programs in professional development options for public school educators, and, in connection therewith, allowing public school educators to receive credit for suicide prevention education programs. Education

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:

- HB06-1200** by Representative(s) Buescher, Sullivan; also Senator(s) Kester, Keller--Concerning energy-related assistance to low-income households from the proceeds of the operational account of the severance tax trust fund, and making an appropriation in connection therewith.

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

Table with 4 columns: YES (29), NO (6), EXCUSED (0), ABSENT (0). Rows list names of senators and their votes (Y, N).

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

Co-sponsors added: Bacon, Entz, Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Isgar, Johnson, Jones, Sandoval, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Williams and Windels.

Committee of the Whole On motion of Senator Williams, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Williams was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

SB06-053 by Senator(s) Takis; --Concerning an expansion in the residential lot size for which county governments are authorized to provide for the removal of overgrown vegetation.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-095 by Senator(s) Taylor; also Representative(s) Hodge--Concerning limitations on the transfer of property rights as a means of qualifying electors in special district elections.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-084 by Senator(s) Entz; also Representative(s) Curry--Concerning the hiring of a guide who does not possess a first aid card in the event of an emergency situation.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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: SB06-053, SB06-095, SB06-084.

Committee of the Whole On motion of Senator Williams, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Williams was called to the Chair to act as Chairman.

GENERAL 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:

SB06-041 by Senator(s) Veiga; also Representative(s) Coleman, Cadman, Carroll M.--Concerning the application of the health insurance prompt pay provisions to claims made as a result of a motor vehicle accident.

Amendment No. 1(L.002), by Senator Veiga.

Amend printed bill, page 2, line 5, after "(2.5)", insert "(a)";

after line 10, insert the following:

"(b) FOR THE PURPOSES OF THIS SUBSECTION (2.5), "CARRIER" DOES NOT INCLUDE AN ENTITY PROVIDING REQUIRED COVERAGES PURSUANT TO SECTION 10-4-620."

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

SB06-056 by Senator(s) Bacon, McElhany, Windels; also Representative(s) McFadyen, Berens, Riesberg--Concerning authority over proposals for construction of capital improvements.

Amendment No. 1(L.001), by Senator Owen.

Amend printed bill, page 2, strike lines 9 through 13, and substitute the following:

"agency and institution ~~including proposals for construction of capital improvements~~ and to make appropriation recommendations to the ~~appropriation~~ APPROPRIATIONS committees, OR ANY SUCCESSOR COMMITTEES, of each house; EXCEPT THAT, FOR PROPOSALS FOR CONSTRUCTION OF CAPITAL IMPROVEMENTS, HEARINGS SHALL BE HELD ONLY AFTER RECEIPT OF RECOMMENDATIONS FROM THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO THE PROVISIONS OF PART 13 OF THIS ARTICLE.";

line 19, strike "SUCCEEDING" and substitute "SUCCESSOR".

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

Amend proposed amendment (SB056_L.001), page 1, line 10, strike "ARTICLE.;" and substitute "AND, IN ITS RECOMMENDATIONS TO THE APPROPRIATIONS COMMITTEE, THE COMMITTEE MAY NOT ALTER THE DETERMINATIONS OF PRIORITY ESTABLISHED BY THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO SECTION 2-3-104 (1) (c).;"

Amendment No. 3(L.003), by Senator Bacon.

Amend proposed amendment (SB056_L.001), page 1, line 10, strike "ARTICLE.;" and substitute "ARTICLE AND UPON NOTICE TO THE CAPITAL DEVELOPMENT COMMITTEE.;"

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

SB06-005 by Senator(s) Windels, Kester, Takis; also Representative(s) Solano, Jahn--Concerning mental health services coverage under health benefit plans.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-032 by Senator(s) Jones; also Representative(s) Balmer--Concerning in-state tuition for dependents of members of the military.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-070 by Senator(s) Shaffer; also Representative(s) Plant--Concerning moneys paid by a lessee of personal property for the payment of personal property tax.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, January 30, pages 84-85 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Shaffer.

Amend the Finance Committee Report, dated January 26, 2006, page 1, line 16, strike "DUE, OR, IF THE LEASE TERMINATES AFTER AUGUST 31, ON OR BEFORE" and substitute "DUE.";

strike line 17.

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

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- SB06-113** by Senator(s) Shaffer, Gordon; also Representative(s) Massey, Borodkin, Crane, Penry--
Concerning a prohibition on discrimination by a life insurance company based on an
insured's foreign travel.
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- 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.
- Laid over until Monday, February 6, retaining its place on the calendar.
- SB06-062** by Senator(s) Taylor; also Representative(s) McKinley--Concerning electronic voting by
certain electors who are absent from the state on election day.
- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, January 25 , page 62 and placed in members' bill files.)
- Amendment No. 2(L.003), by Senator Gordon.
- Amend the State, Veterans, and Military Affairs Committee Report, dated
January 23, 2006, page 1, line 3, strike "STATES" ." and substitute "STATES
OR A VOLUNTEER SERVING IN THE PEACE CORPS" .".
- Amendment No. 3(L.004), by Senator Mitchell.
- Amend the Gordon floor amendment, (SB062_L.003), page 1, line 2,
strike the second ""STATES" and substitute ""STATES,";
- line 3, strike "OR" and strike "CORPS" .". and substitute "CORPS, OR
VOLUNTEERS FOR ANY MISSIONARY SERVICE" .". .".
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final
Passage.
- SB06-074** by Senator(s) Shaffer; --Concerning the enforcement of county code requirements
pertaining to land use.
- Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, January 30, page 83 and placed in members' bill files.)
- Amendment No. 2(L.003), by Senator Shaffer.
- Amend printed bill, page 4, strike lines 9 through 12 and substitute the
following:
- "~~property~~: UNTIL PAID, ANY CIVIL PENALTY ASSESSED UNDER THIS
SUBSECTION (1) SHALL, AS OF RECORDING, BE A LIEN AGAINST THE
PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST."
- Page 8, strike lines 14 through 18 and substitute the following:
- "~~lien against the real property~~: UNTIL PAID, ANY CIVIL PENALTY ASSESSED
UNDER THIS SUBSECTION (1) SHALL, AS OF RECORDING, BE A LIEN AGAINST
THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IN
CASE THE ASSESSMENT IS NOT PAID WITHIN".
- As amended, laid over until Monday, February 6, retaining its place on the calendar.
- 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: SB06-041 as amended, SB06-056 as amended, SB06-005,
SB06-032, SB06-070 as amended, SB06-113, SB06-062 as amended.
- Laid over until Monday, February 6: SB06-051, SB06-074 as amended.

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COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **HB06-1014** be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-097** 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 6, strike "(2.5)" and substitute "(2.5) (a)";

line 10, strike "THE LONG-TERM CARE OMBUDSMAN,";

line 13, strike "AS DEFINED IN SECTION 26-11.5-103 (3),";

line 14, strike "C.R.S.,";

line 16, after the period, add "ANY REPORTS CONCERNING ADULT PROTECTION SERVICE SHALL BE IN COMPLIANCE WITH THE CONFIDENTIALITY REQUIREMENTS OF SECTION 26-3.1-102 (7), C.R.S.";

after line 16, insert the following:

"(b) FOR PURPOSES OF THIS SUBSECTION (2.5), A "LICENSED LONG-TERM CARE FACILITY" MEANS A LICENSED COMMUNITY RESIDENTIAL OR GROUP HOME, A LICENSED INTERMEDIATE CARE FACILITY, AND A LICENSED FACILITY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.";

strike lines 19 through 21 and substitute the following:

"SECTION, THE OCCURRENCE SHALL BE REPORTED TO A LAW ENFORCEMENT AGENCY.".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-107** be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **SB06-127** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 14, strike the second "AND";

line 15, strike "ENVIRONMENT." and substitute "ENVIRONMENT,";

after line 15, insert the following:

"(f) ENHANCE THE SCHOOL BREAKFAST PROGRAM CREATED IN SECTION 22-54-123.5 BY INCREASING THE AVAILABILITY OF FRESH FRUITS AND VEGETABLES IN SCHOOLS; AND

(g) MAKE FRESH FRUITS AND VEGETABLES AVAILABLE THROUGHOUT THE SCHOOL DAY TO STUDENTS IN PARTICIPATING SCHOOLS.";

line 16, strike "rules" and substitute "policies and procedures";

line 20, strike "RULES" and substitute "POLICIES AND PROCEDURES".

Page 5, line 11, strike "TWO" and substitute "FIVE";

line 12, strike "FIFTY".

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Page 6, line 5, strike "RULES" and substitute "POLICIES AND PROCEDURES";
 line 14, strike "rules." and substitute "policies and procedures."
 line 15, strike "RULES" and substitute "POLICIES AND PROCEDURES";
 line 24, strike "TWO HUNDRED FIFTY" and substitute "FIVE HUNDRED".

MESSAGE FROM THE HOUSE

February 3, 2006
 Madame President:

The House has adopted and transmits herewith HJR06-1011, as printed in House Journal, February 3, page 169.

The House has adopted and transmits herewith HJR06-1010, as printed in House Journal, January 30, page 136.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR06-1010 by Representative(s) Massey, Balmer, Benefield, Berens, Buescher, Carroll M., Curry, Gallegos, Gardner, Green, Kerr, Knoedler, Lindstrom, Liston, McKinley, Penry, Riesberg, Solano, Soper, Sullivan, Todd, Witwer; also Senator(s) Shaffer, Traylor--Concerning civility in the Colorado General Assembly.

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR06-1011 by Representative(s) Todd, Butcher, Borodkin, Carroll T., Gallegos, Hodge, Larson, Massey, McCluskey, Merrifield, Solano, Soper; also Senator(s) Williams--Concerning the designation of February 2006 as "American Heart Month", and, in connection therewith, declaring February 3 to be "Go Red For Women Day".

On motion of Senator Williams, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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	Y	McElhany	Y	Teck	Y		

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

INTRODUCTION OF BILLS -- FIRST READING

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

HB06-1077 by Representative(s) Garcia, Balmer, Penry; also Senator(s) Veiga, May R., Brophy, Mitchell, Spence, Williams--Concerning risk-shifting provisions in a private construction contract that address the indemnification of a person against liability for damages caused by the sole negligence of the indemnified person.
State, Veterans & Military Affairs

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Sandoval, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

for a term expiring July 1, 2009:

Michele M. Dressel of Glenwood Springs, Colorado, to serve as a member experienced in mortgage banking, reappointed;

Joseph A. Garcia of Colorado Springs, Colorado, to serve as a member of the public, reappointed;

Joel S. Rosenstein of Denver, Colorado, to serve as a member experienced in real estate transactions, appointed;

Eric C. Moore of Aurora, Colorado, to serve as a member of the public, appointed.

YES	35	NO	0	EXCUSED	0	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	Y	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	Y	McElhany	Y	Teck	Y		

SENATE SERVICES REPORT

Correctly Reengrossed: SB06-009.

Correctly Revised: HB06-1200.

TRIBUTES

Honoring:

Helen Hunter -- by Senator Veiga.
Don & Rickie Morgan -- by Senator Hanna.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, February 6, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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