

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

34th Legislative Day

Monday, February 13, 2006

Prayer By the chaplain, Rabbi Julian Cook, Congregation Temple Emanuel, Denver.

Pledge By Senator Johnson.

Call to Order By the President at 10:00 a.m.

Roll Call Present--32.
Absent--2; Evans, Traylor.
Excused--1; Hagedorn
Present later--Evans, Traylor.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of February 10, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-031** be amended as follows, and as so amended, be referred to the Committee on Education with favorable recommendation.

Amend printed bill, page 3, line 10, strike "amended" and substitute "amended, and the said 23-18-202 (5) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,";

line 18, after "PROGRAMS", insert "OFFERED BY AN INSTITUTION OF HIGHER EDUCATION THAT HAS ENTERED INTO A PERFORMANCE CONTRACT WITH THE DEPARTMENT PURSUANT TO SECTION 23-5-129, AND";

line 20, after "ATTENDS", insert "FOR CREDIT";

after line 21, add the following:

"(III) (A) EXCEPT FOR STIPENDS THAT AN INSTITUTION OF HIGHER EDUCATION MAY RECEIVE ON BEHALF OF AN ELIGIBLE UNDERGRADUATE STUDENT, AN INSTITUTION OF HIGHER EDUCATION SHALL IMPLEMENT THE PROVISIONS OF SUB-SUBPARAGRAPH (F) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) WITHIN EXISTING RESOURCES.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2007."

Education After consideration on the merits, the Committee recommends that **SB06-152** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 12, strike "23-53-103.5." and substitute "23-53-103.3."

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Page 5, strike line 2 and substitute the following:

"COLLEGE.";

line 3, strike "EXTEND TO THE" and substitute "THE";

line 4, strike "TO";

line 6, strike "COLLEGE." and substitute "COLLEGE SHALL ASSUME THE SAME FIDUCIARY RESPONSIBILITY AS IS ASSUMED BY THE BOARD OF TRUSTEES.".

Page 7, line 9, strike "23-41-103.8." and substitute "23-41-103.6.";

strike line 27 and substitute the following:

"SCHOOL OF MINES.".

Page 8, line 1, strike "SHALL EXTEND TO THE" and substitute "THE";

line 3, strike the first "TO";

line 4, strike "MINES." and substitute "MINES SHALL ASSUME THE SAME FIDUCIARY RESPONSIBILITY AS IS ASSUMED BY THE BOARD OF TRUSTEES.".

Education

After consideration on the merits, the Committee recommends that **SB06-125** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 14, strike "SCHOOL." and substitute "SCHOOL; EXCEPT THAT THE ON-LINE PROGRAM SHALL NOT BE REQUIRED TO PAY MORE THAN:

(A) FOR EACH COURSE THAT IS A FULL-YEAR COURSE, THE AMOUNT OF PER PUPIL FUNDING RECEIVED BY THE ON-LINE PROGRAM FOR THE STUDENT DIVIDED BY THE TOTAL NUMBER OF ON-LINE AND TRADITIONAL COURSES THE STUDENT IS TAKING; OR

(B) FOR EACH COURSE THAT IS A HALF-YEAR COURSE, ONE-HALF OF THE AMOUNT OF PER PUPIL FUNDING RECEIVED BY THE ON-LINE PROGRAM FOR THE STUDENT DIVIDED BY THE TOTAL NUMBER OF ON-LINE AND TRADITIONAL COURSES THE STUDENT IS TAKING.";

line 27, strike "**definitions.**" and substitute "**definitions - repeal.**".

Page 6, line 15, strike "A";

strike lines 16 and 17 and substitute the following:

"LOCATIONS AT WHICH STUDENTS MAY PARTICIPATE IN THE ON-LINE PROGRAM" SHALL NOT INCLUDE:

(A) A STUDENT'S HOME;

(B) A PHYSICAL LOCATION AT WHICH STUDENTS ARE GATHERED FOR PURPOSES OF TAKING AN ASSESSMENT ADMINISTERED UNDER THE COLORADO STUDENT ASSESSMENT PROGRAM PURSUANT TO SECTION 22-7-409; OR

(C) A PHYSICAL LOCATION AT WHICH STUDENTS ARE GATHERED FOR PURPOSES OF AN OCCASIONAL SPECIAL WORKSHOP OR OTHER OCCASIONAL SPECIAL TRAINING.

(III) (A) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (I), AN ON-LINE PROGRAM THAT IS OPERATING A PHYSICAL LOCATION IN VIOLATION OF THE PROVISIONS OF THIS PARAGRAPH (I) AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (I) MAY CONTINUE OPERATING THE PHYSICAL LOCATION THROUGH THE 2006-07 SCHOOL YEAR, DURING WHICH

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TIME THE ON-LINE PROGRAM MAY APPLY PURSUANT TO ARTICLE 30.5 OF THIS TITLE FOR A CHARTER FROM THE SCHOOL DISTRICT IN WHICH THE PHYSICAL LOCATION IS LOCATED OR FROM THE STATE CHARTER SCHOOL INSTITUTE, WHICHEVER IS APPROPRIATE.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2007."

Education After consideration on the merits, the Committee recommends that **SB06-086** be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that **SB06-066** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB06-065** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, after "DISTRICT", insert "AND CHARTER SCHOOL".

Page 3, line 16, strike "FACILITIES;" and substitute "FACILITIES AND THEIR REHABILITATION, WITH ADDITIONAL EXPERTISE IN OTHER BUILDING TYPES;"

line 19, after "DISTRICT", insert "AND CHARTER SCHOOL";

line 21, after "DISTRICT", insert "AND CHARTER SCHOOL".

Page 4, line 13, strike "RENOVATION" and substitute "REHABILITATION".

Page 5, line 4, strike "AND";

line 5, strike "SPACE." and substitute "SPACE; AND";

after line 5, insert the following:

"(XVII) BEST PRACTICES.";

line 9, after "DISTRICTS", insert "AND CHARTER SCHOOLS";

line 17, strike "RENOVATION" and substitute "REHABILITATION";

line 19, after "DISTRICT", insert "OR CHARTER SCHOOL".

Page 6, line 24, after "DISTRICTS", insert "AND CHARTER SCHOOLS";

line 26, after "DISTRICTS", insert "AND CHARTER SCHOOLS".

Page 7, line 3, after "DISTRICTS", insert "AND CHARTER SCHOOLS";

line 4, after "DISTRICTS", insert "AND CHARTER SCHOOLS";

line 27, strike "DISTRICT;" and substitute "DISTRICT AND CHARTER SCHOOL;"

Page 8, line 1, after "DISTRICT", insert "AND CHARTER SCHOOL";

line 23, after "districts", insert "AND CHARTER SCHOOLS".

Page 9, line 11, after "districts", insert "AND CHARTER SCHOOLS".

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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 one day under Senate Rule 30(e).

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 one day under Senate Rule 30(e).

INTRODUCTION OF BILLS -- FIRST READING

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

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

SB06-184 by Senator(s) Lamborn; --Concerning centers of excellence in state community colleges.
Education

SB06-185 by Senator(s) Lamborn; --Concerning the protection of home owners in small common interest communities.
Judiciary

SB06-186 by Senator(s) Entz; --Concerning the definition of at-risk adult for purposes of crimes against at-risk adults.
Judiciary

HB06-1213 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of agriculture.
Appropriations

HB06-1214 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of corrections.
Appropriations

HB06-1215 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of education.
Appropriations

HB06-1216 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.
Appropriations

HB06-1217 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of health care policy and financing.
Appropriations

HB06-1218 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of higher education.
Appropriations

HB06-1219 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of human services.
Appropriations

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HB06-1220	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the judicial department. Appropriations	1 2 3 4
HB06-1221	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of labor and employment. Appropriations	5 6 7 8
HB06-1222	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of law. Appropriations	9 10 11 12
HB06-1223	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of legislature. Appropriations	13 14 15 16
HB06-1224	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of local affairs. Appropriations	17 18 19 20
HB06-1225	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of military and veterans affairs. Appropriations	21 22 23 24
HB06-1226	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of natural resources. Appropriations	25 26 27 28
HB06-1227	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of personnel and administration. Appropriations	29 30 31 32 33
HB06-1228	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of public health and environment. Appropriations	34 35 36 37 38
HB06-1229	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of public safety. Appropriations	39 40 41 42
HB06-1230	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of regulatory agencies. Appropriations	43 44 45 46
HB06-1231	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of revenue. Appropriations	47 48 49 50
HB06-1232	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of state. Appropriations	51 52 53 54
HB06-1233	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of transportation. Appropriations	55 56 57 58
HB06-1234	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of the treasury. Appropriations	59 60 61 62
HB06-1235	by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning funding for capital construction, and making supplemental appropriations in connection therewith. Appropriations	63 64 65 66 67 68 69

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB06-021 by Senator(s) Sandoval; also Representative(s) Marshall--Concerning identification cards issued by the state department of revenue to certain individuals.

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

YES	34	NO	0	EXCUSED	1	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	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 and Tochtrop.

SB06-083 by Senator(s) May R.; also Representative(s) Ragsdale--Concerning authorization for an alternate person to supervise a holder of a driver's permit issued to a minor who is under sixteen years of age.

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

YES	34	NO	0	EXCUSED	1	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	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: Entz, Groff, Isgar, Jones, Mitchell, Spence, Teck, Tochtrop and Williams.

HB06-1014 by Representative(s) Hoppe; also Senator(s) Isgar--Concerning the authority of the department of agriculture over the disposition of moneys received from other sources.

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

YES	34	NO	0	EXCUSED	1	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	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: Entz, Kester, Tapia and Taylor.

SB06-126 by Senator(s) Owen, Tapia, Keller; also Representative(s) Buescher, Plant, Hall--
Concerning the use of moneys appropriated to the Colorado state veterans trust fund.

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

YES	34	NO	0	EXCUSED	1	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	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: Entz, Johnson, May R., Taylor, Teck and Williams.

SB06-160 by Senator(s) Isgar; also Representative(s) Curry--Concerning the membership of the governing board of a local government retirement organization.

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

YES	34	NO	0	EXCUSED	1	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	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: Entz and Hanna.

HB06-1087 by Representative(s) Larson, Rose; also Senator(s) Isgar--Concerning the classification of Montezuma county for purposes of fixing the salaries of county officers.

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

YES	34	NO	0	EXCUSED	1	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	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: Entz.

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:

SB06-039 by Senator(s) Tochtrop, Entz, Taylor, Williams; also Representative(s) McGihon, Berens, Cerbo, McCluskey, Ragsdale, Vigil--Concerning the partial entry into the fire and police pension association defined benefit system by members of money purchase plans where all future eligible employees are required to participate in the defined benefit system.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	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	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: Hanna.

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

Laid over until Tuesday, February 14, retaining its place on the calendar.

SB06-124 by Senator(s) Tapia, Keller, Owen; also Representative(s) Hall, Plant, Buescher--Concerning the transfer to the general fund of the fund balance remaining after the repeal of the electronic benefits transfer service fund.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	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	E	McElhany	Y	Teck	Y		

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

SB06-029 by Senator(s) Williams; also Representative(s) Garcia--Concerning a disclosure requirement in the private sale of a motor vehicle that may not qualify for a certification of emissions control.

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

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YES	23	NO	11	EXCUSED	1	ABSENT	0		
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y		1
Brophy	N	Isgar	Y	Owen	Y	Traylor	N		2
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y		3
Entz	N	Jones	Y	Shaffer	Y	Veiga	Y		4
Evans	Y	Keller	Y	Spence	Y	Wiens	N		5
Gordon	Y	Kester	N	Takis	N	Williams	Y		6
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y		7
Grossman	Y	May R.	Y	Taylor	N	President	Y		8
Hagedorn	E	McElhany	N	Teck	Y				9

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

Co-sponsors added: Tochtrop.

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) of February 13 was laid over until Tuesday, February 14, retaining its place on the calendar.

Committee
of the
Whole

On motion of Senator Isgar, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Isgar 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:

SB06-109 by Senator(s) Tochtrop; also Representative(s) Butcher--Concerning a prohibition against the use of credit-based insurance scoring for insurance underwriting purposes.

Laid over until Tuesday, February 14, 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.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, February 9, pages 157-158 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Grossman.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 8, 2006, page 1, line 9, strike "COVERING THE OPERATION.;" and substitute "COVERS AT MINIMIZING ODOR FROM THE OPERATION.;"

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

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 8, 2006, page 1, line 6, after "HOUSED", insert "COMMERCIAL";

line 7, strike "CERTIFY" and substitute "SUBMIT";

line 8, after "ENVIRONMENT", insert "INFORMATION SUFFICIENT TO DEMONSTRATE";

line 13, after "HOUSED", insert "COMMERCIAL";

line 14, strike "CERTIFY" and substitute "SUBMIT";

line 15, after "ENVIRONMENT", insert "INFORMATION SUFFICIENT TO DEMONSTRATE".

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

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".

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 9, pages 158-159 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Williams.

Amend the Education Committee Report, dated February 8, 2006, page 1, line 6, strike "MAY" and substitute "SHALL".

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

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.

Amendment No. 1, Health and Human Services Committee Amendment.

(Printed in Senate Journal, February 9, page 159 and placed in members' bill files.)

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

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.

Amendment No. 1, Health and Human Services Committee Amendment.

(Printed in Senate Journal, February 9, pages 159-160 and placed in members' bill files.)

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

SB06-107 by Senator(s) Johnson, Shaffer; also Representative(s) Boyd--Concerning the authorization of small employer carriers to vary certain requirements by product.

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

SB06-091 by Senator(s) Tupa, Groff; also Representative(s) Riesberg, Coleman, Gallegos, Todd--Concerning a prohibition against using telephone records without authorization.

Laid over until Tuesday, February 14, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Isgar, 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: SB06-114 as amended, SB06-118 as amended, SB06-087 as amended, SB06-112 as amended, SB06-107.

Laid over until Tuesday, February 14: SB06-109, SB06-091.

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COMMITTEE OF REFERENCE REPORTS

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-134** be referred to the Committee of the Whole with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-043** be postponed indefinitely.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-165** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 11, line 22, strike "**article**" and substitute "**part**";

line 23, strike "ARTICLE" and substitute "PART".

SENATE SERVICES REPORT

Correctly Engrossed: SB06-021, 029, 039, 083, 108, 124, 126, and 160.

Correctly Revised: HB06-1014, and 1087.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB06-037** 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 25, strike "A" and substitute "AN APPROPRIATOR'S INTENDED AND";

line 26, after "STRUCTURE", insert "AND ITS EFFICIENCY" and, strike "DESIGNED BY" and substitute "APPROVED PURSUANT TO SECTION 12-25-102, C.R.S., BY, OR UNDER THE DIRECT SUPERVISION OF,".

Page 4, line 1, after "THE", insert "INTENDED AND";

line 19, strike "~~minimum~~" and substitute "minimum".

Page 5, line 2, after the period, insert "EACH CONTROL STRUCTURE FOR A RECREATIONAL IN-CHANNEL DIVERSION SHALL BE LIMITED TO NO MORE THAN THREE SPECIFIED FLOW RATES IN ANY TIME PERIOD.";

line 7, strike "ONE-HALF" and substitute "ONE-TENTH";

strike line 9 and substitute the following:

"DIVERSION AS MEASURED AT THE RECREATIONAL IN-CHANNEL DIVERSION AND THE CUMULATIVE EFFECTS ON THE RECREATIONAL IN-CHANNEL DIVERSION CAUSED BY SUCH APPROPRIATIONS OR CHANGES DO NOT EXCEED TWO PERCENT OF THE LOWEST DECREED RATE OF FLOW FOR THE RECREATIONAL IN-CHANNEL DIVERSION MEASURED AT THE RECREATIONAL IN-CHANNEL DIVERSION. THE OWNER OF A WATER RIGHT FOR A RECREATIONAL IN-CHANNEL DIVERSION MAY NOT CALL FOR WATER THAT HAS BEEN LAWFULLY STORED BY ANOTHER APPROPRIATOR.";

line 27, strike "AND REQUIRED".

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Page 6, line 21, strike "IS PRESENT." and substitute "WOULD BE PRODUCED BY THE CALL.";

strike lines 23 through 27 and substitute the following:

"RECREATIONAL IN-CHANNEL DIVERSION, DURING WHICH TIME IT MAY CONSIDER ABANDONMENT OF THE DECREE IN WHOLE OR IN PART AND THE FACTORS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (13) UPON MOTION OF ANY PARTY TO THE ORIGINAL PROCEEDING."

Page 7, strike line 1 and substitute the following:

"(e) THE DECREE SHALL REQUIRE THE OWNER OF A DECREEED RECREATIONAL IN-CHANNEL DIVERSION TO REPORT MONTHLY USAGE OF THE RECREATIONAL IN-CHANNEL DIVERSION TO THE STATE ENGINEER, INCLUDING, AS A MINIMUM, THE PEAK FLOW USED, NUMBER OF KAYAKERS WHO USED THE RECREATIONAL IN-CHANNEL DIVERSION, AND DATES WHEN THE RECREATIONAL IN-CHANNEL DIVERSION WAS USED."

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB06-075** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Part 1 of article 6 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-6-132. Knowingly luring coyotes, foxes, raccoons, and skunks. (1) UNLESS OTHERWISE PERMITTED BY COMMISSION RULE, IT IS UNLAWFUL FOR ANY PERSON TO PLACE FOOD OR EDIBLE WASTE IN THE OPEN WITH THE INTENT OF LURING A WILD COYOTE, FOX, RACCOON, OR SKUNK TO SUCH FOOD OR EDIBLE WASTE IN AN URBAN AREA.

(2) THIS SECTION SHALL NOT APPLY TO ACTS RELATED TO AGRICULTURE, AS DEFINED IN SECTION 35-1-102 (1), C.R.S.

(3) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FOOD OR EDIBLE WASTE" SHALL NOT INCLUDE LIVE ANIMALS OR FOOD THAT IS GROWN IN THE OPEN PRIOR TO SUCH FOOD BEING HARVESTED.

(b) "URBAN AREA" MEANS ANY LAND LOCATED WITHIN ANY INCORPORATED CITY OR MUNICIPALITY.

(4) ANY PERSON WHO VIOLATES THIS SECTION SHALL BE GIVEN A WARNING. UPON A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, SUCH PERSON IS GUILTY OF A PETTY OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE NOT TO EXCEED:

(a) ONE HUNDRED DOLLARS FOR A FIRST OFFENSE;

(b) FIVE HUNDRED DOLLARS FOR A SECOND OFFENSE;

(c) ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 13, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1175, amended as printed in House Journal, February 10, page 282-283.

MESSAGE FROM THE REVISOR OF STATUTES

February 13, 2006

We herewith transmit:

Without comment, as amended, HB06-1175.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--Concerning title 7 of the Colorado Revised Statutes.
Judiciary
- SB06-188** by Senator(s) Evans; --Concerning the central filing of an effective financing statement.
Finance
- SB06-189** by Senator(s) Owen; --Concerning the allocation of severance tax receipts.
State, Veterans & Military Affairs
- SB06-190** by Senator(s) Shaffer; also Representative(s) Larson--Concerning fuel products.
Agriculture, Natural Resources & Energy

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, February 14, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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