

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

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29th Legislative Day

Wednesday, February 8, 2006

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Prayer	By the chaplain, Rev. Vern Rempel, First Mennonite Church of Denver.	11
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Pledge	By Senator Isgar.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--30.	18
	Absent--2; Owen, Williams.	19
	Excused--3; Mitchell, Veiga, Wiens.	20
	Present later--Mitchell, Owen, Veiga, Wiens, Williams.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Spence, reading of the Journal of January 7, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	25
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Finance	After consideration on the merits, the Committee recommends that <b>SB04-124</b> be referred to the Committee of the Whole with favorable recommendation.	32
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Finance	After consideration on the merits, the Committee recommends that <b>SB06-048</b> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36
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	Amend printed bill, page 2, line 10, strike "(I)";	40
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	line 12, strike "AND THE";	42
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	strike lines 13 through 15 and substitute the following:	44
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	"THAT the";	46
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	strike lines 17 and 18.	48
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	Page 3, strike lines 1 through 6;	50
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	line 7, strike "ANALYZED USING THE DYNAMIC MODEL." and substitute "UPCOMING regular session. If the model is ready, the executive committee shall select no more than ten bills to be analyzed using the dynamic model.";	52
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	strike lines 11 through 19.	57
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	Page 4, strike lines 1 through 6 and substitute "USED.".	59
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Local Government	After consideration on the merits, the Committee recommends that <b>SB06-160</b> be referred to the Committee of the Whole with favorable recommendation, and with the recommendation that it be placed on the Consent Calender.	62
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Local Government After consideration on the merits, the Committee recommends that **HB06-1087** be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

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**MESSAGE FROM THE HOUSE**

February 7, 2006  
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1042, 1120, 1180, 1051, 1142.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1137, amended as printed in House Journal, February 3, pages 188-189.  
HB06-1048, amended as printed in House Journal, February 6, page 223.  
HB06-1106, amended as printed in House Journal, February 6, page 224.

The House has adopted and returns herewith SJR06-005.

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**MESSAGE FROM THE REVISOR OF STATUTES**

February 7, 2006

We herewith transmit:

Without comment, HB06-1042, 1051, 1120, 1142, and 1180.  
Without comment, as amended, HB06-1048, 1106, and 1137.

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**INTRODUCTION OF BILLS -- FIRST READING**

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

- SB06-181** by Senator(s) Groff; --Concerning moneys for merit-based financial aid, and making an appropriation in connection therewith.  
Finance
- SB06-182** by Senator(s) Tapia, Keller, Owen; also Representative(s) Buescher, Plant, Hall--  
Concerning the deposit of certain moneys collected by the state judicial branch in the judicial stabilization cash fund.  
Finance
- HB06-1109** by Representative(s) King, Massey; also Senator(s) Grossman--Concerning measuring public school effectiveness.  
Education
- HB06-1112** by Representative(s) Marshall; also Senator(s) Veiga--Concerning changes to conform Colorado juvenile law to federal law.  
Judiciary
- HB06-1121** by Representative(s) Todd, Benefield, Berens, Carroll M., Decker, Green, Hodge, Marshall, Massey, McKinley, Merrifield, Paccione, Penry, Solano; also Senator(s) Williams, Windels--  
Concerning recognition of community service performed by students.  
Education
- HB06-1136** by Representative(s) Witwer, Berens; also Senator(s) Shaffer--Concerning a requirement to notify the state attorney general when a defendant alleges a law is unconstitutional.  
Judiciary
- HB06-1074** by Representative(s) Solano, Madden; also Senator(s) Johnson--Concerning the waste tire recycling development fee.  
Finance

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<b>HB06-1094</b>	by Representative(s) White; also Senator(s) Teck--Concerning the notice of valuation of taxable personal property on oil and gas leaseholds and lands. Finance	1 2 3 4
<b>HB06-1103</b>	by Representative(s) Green, Benefield, Carroll M., Coleman, Frangas, Lindstrom, McGihon, Merrifield, Todd; also Senator(s) Hanna--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care. Judiciary	5 6 7 8 9
<b>HB06-1140</b>	by Representative(s) McCluskey; also Senator(s) Veiga--Concerning the registration of trademarks. Business, Labor and Technology	10 11 12 13
<b>HB06-1042</b>	by Representative(s) Kerr; also Senator(s) Jones--Concerning the repeal of certain provisions of the "Bank Electronic Funds Act". Finance	14 15 16 17
<b>HB06-1048</b>	by Representative(s) Vigil, Coleman, Schultheis, White; also Senator(s) Takis, Hanna, Taylor--Concerning the discipline of persons engaged in an occupation regulated by the division of registrations in the department of regulatory agencies. Business, Labor and Technology	18 19 20 21 22
<b>HB06-1051</b>	by Representative(s) Witwer; also Senator(s) Sandoval--Concerning elections to recall elected officials. State, Veterans & Military Affairs	23 24 25 26
<b>HB06-1106</b>	by Representative(s) Paccione; also Senator(s) Kester--Concerning a prohibition against a coverage exclusion in a sickness and accident insurance policy for injuries sustained while under the influence of a controlled substance. Business, Labor and Technology	27 28 29 30 31
<b>HB06-1120</b>	by Representative(s) Buescher, Borodkin, Coleman, Curry, Hoppe, McKinley, Plant, White; also Senator(s) Tupa--Concerning restrictions on the authority of wineries to ship wine to personal consumers. Agriculture, Natural Resources & Energy	32 33 34 35 36
<b>HB06-1137</b>	by Representative(s) Judd; also Senator(s) Shaffer--Concerning amendments to the Colorado probate code. Judiciary	37 38 39 40
<b>HB06-1142</b>	by Representative(s) Cloer, Decker, Kerr, Knoedler; also Senator(s) Williams--Concerning the compensation paid to student election judges. State, Veterans & Military Affairs	41 42 43 44
<b>HB06-1180</b>	by Representative(s) Soper; also Senator(s) Kester--Concerning the repeal of the dental advisory committee. Health and Human Services	45 46 47 48 49 50
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	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 (SB06-021, SB06-083, HB06-1014, SB06-107) of February 8 was laid over until Friday, February 10, retaining its place on the calendar.	52 53 54 55 56
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	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 (SB06-039) of February 8 was laid over until Thursday, February 9, retaining its place on the calendar.	58 59 60 61 62 63 64

**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:

**SB06-094** by Senator(s) Spence; also Representative(s) Lindstrom--Concerning the regulation of motor carriers by the public utilities commission.

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

YES	31	NO	2	EXCUSED	2	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	E
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	N	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		

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

**SB06-097** by Senator(s) Williams, Kester, Johnson, Evans, Shaffer; also Representative(s) Berens, Todd, Green, Decker, Sullivan--Concerning reports related to incidents at licensed long-term care facilities.

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

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	Y	Veiga	E
Evans	Y	Keller	Y	Spence	Y	Wiens	E
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		

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

Co-sponsors added: Hanna and Tapia.

**SB06-127** by Senator(s) Sandoval; also Representative(s) Madden--Concerning the provision of fresh produce in public schools.

A majority of those elected to the Senate having voted in the affirmative, Senator Sandoval was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.003), by Senator Sandoval.

Amend engrossed bill, page 5, line 23, strike "SHALL SOLICIT" and substitute "MAY SOLICIT AND ACCEPT".

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

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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	E
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		

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

Co-sponsors added: Groff, Hanna, Isgar, Shaffer, Spence, Tapia, Tochtrop, Tupa, Williams and Windels.

**COMMITTEE OF REFERENCE REPORTS**

Trans-  
portation After consideration on the merits, the Committee recommends that **SB06-147** be postponed indefinitely.

Trans-  
portation After consideration on the merits, the Committee recommends that **SB06-029** be referred to the Committee of the Whole with favorable recommendation.

Trans-  
portation After consideration on the merits, the Committee recommends that **SB06-015** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 13, strike "THAT WEIGHS MORE THAN ONE TON AND" and substitute "RATED AT MORE THAN ONE TON".

Trans-  
portation After consideration on the merits, the Committee recommends that **SB06-058** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 2, strike "(1) (a), Colorado Revised Statutes, is" and substitute "(1) (a) and (1) (b) (II) (A), Colorado Revised Statutes, are";

line 19, strike "OF" and substitute "THAT IS AT LEAST TEN MODEL YEARS OLD OR THAT IS";

line 21, strike "OF" and substitute "THAT IS TEN MODEL YEARS OLD OR NEWER AND THAT IS";

after line 21, insert the following:

"(b) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), new diesel vehicles, required under this section to have a certification of emissions control, shall be issued a certification of emissions compliance without inspection or testing. Prior to the expiration of such certification, such vehicle shall be inspected and a certification of emissions control shall be obtained for diesel smoke opacity compliance. Such certificate shall expire on the earliest to occur of the following:

(A) The anniversary of the day of the issuance of such certification when such vehicle has reached its ~~second~~ FOURTH model year if it is a light-duty diesel vehicle;"

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strike lines 22 through 27 and substitute the following:

**"SECTION 2. Effective date.** (1) This act shall take effect July 1, 2007.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

Strike page 3.

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**SENATE SERVICES REPORT**

- Correctly Printed:** SB06-180.
- Correctly Engrossed:** SB06-094, 097, and 127.
- Correctly Reengrossed:** SB06-012, 014, 051, and 074.
- Correctly Revised:** HJR06-1010.

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

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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