

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

66th Legislative Day

Friday, March 17, 2006

Prayer By the chaplain, Dr. Paul Martin, Macedonia Baptist Church, Denver. 10
11
12
Pledge By Senator McElhany. 13
14
Call to By the President at 9:00 a.m. 15
Order 16
17
Roll Call Present--28 18
Excused--7; Brophy, Grossman, Johnson, Keller, Tapia, Veiga, Williams. 19
Present later--Grossman, Keller, Tapia, Veiga, Williams. 20
21
Quorum The President announced a quorum present. 22
23
Reading of On motion of Senator Gordon, reading of the Journal of March 16, 2006 was 24
Journal dispensed with and the Journal was approved as corrected by the Secretary. 25
26
27

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB06-201** be referred 31
to the Committee of the Whole with favorable recommendation. 32
33
34

MESSAGE FROM THE HOUSE

March 16, 2006 37
Madame President: 38
39

Upon on announcement of Speaker Romanoff, Representative Boyd was removed 40
as a sponsor on SB06-114. 41
42
43
44

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title: 45
46
47

SJR06-016 by Senator(s) Isgar, Entz, Brophy, Taylor; also Representative(s) Curry--Concerning the 48
designation of March 20, 2006, as "National Agriculture Day". 49
50
51
52

Laid over one day under Senate Rule 30(c). 53
54

SR06-006 by Senator(s) Gordon, Fitz-Gerald, McElhany; --Concerning the appointment of an 55
employee for the Senate of the Sixty-fifth General Assembly. 56
57

Laid over one day under Senate Rule 30(b). 58
59
60

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **HB06-1160** be 63
postponed indefinitely. 64
65
66
67

Education After consideration on the merits, the Committee recommends that **HB06-1021** be referred to the Committee of the Whole with favorable recommendation. 1
2

Education After consideration on the merits, the Committee recommends that **HB06-1240** be referred to the Committee of the Whole with favorable recommendation. 3
4
5
6

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 7
8
9
10

MEMBERS OF THE:
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2009: 11
12
13
14
15
16

Lanny M. Proffer of Denver, Colorado, to fill the vacancy occasioned by the resignation of David E. Greenberg of Englewood, Colorado, and to serve as a Democrat, appointed. 17
18
19
20

Loretta P. Martinez of Denver, Colorado, to serve as a Democrat, reappointed. 21
22
23

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 -- SJR06-105. 24
25
26
27
28

CONSIDERATION OF RESOLUTIONS

SJR06-015 by Senator(s) Jones, Williams, Shaffer; also Representative(s) Merrifield, Solano, Hefley-- Concerning young children with challenging behaviors. 29
30
31
32
33
34

On motion of Senator Jones, the resolution was read at length and referred to the Committee on Appropriations. 35
36
37
38

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**. 39
40
41
42

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. 43
44
45
46
47
48

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: 49
50
51
52
53
54

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. 55
56
57

Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 58
59

SB06-058 by Senator(s) May R.; also Representative(s) Larson--Concerning an increase in the period for which a certification of emissions control for newer diesel motor vehicles is valid. 60
61
62

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 8, pages 155-156 and placed in members' bill files.) 63
64
65

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 66
67
68
69

- SB06-120** by Senator(s) Dyer; --Concerning the requirement of a full investigation prior to the amendment of licenses issued by state agencies. 1
2
3
Amendment No. 1, Business, Labor, and Technology Committee Amendment. 4
(Printed in Senate Journal, February 14, pages 199-200 and placed in members' bill files.) 5
6
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 7
Passage. 8
9
- HB06-1318** by Representative(s) Cloer; also Senator(s) Mitchell--Concerning clinical practice hours 10
required in order to receive a marriage and family therapist license. 11
12
Amendment No. 1(L.005), by Senator Gordon. 13
14
Amend reengrossed bill, page 2, line 23, strike "July 1, 2006," and 15
substitute "January 1, 2007,". 16
17
18
Amendment No. 2(L.004), by Senator Mitchell. 19
20
Amend reengrossed bill, page 2, line 13, after "face-to-face" insert 21
"DIRECT"; 22
23
line 14, before "for" insert "AS DETERMINED BY THE BOARD"; 24
25
strike lines 15 through 21 and substitute the following: 26
27
"board-approved supervision; and". 28
29
30
As amended, ordered revised and placed on the calendar for Third Reading and Final 31
Passage. 32
33
- SB06-035** by Senator(s) Hagedorn; also Representative(s) Boyd--Concerning the creation of a program 34
to provide premium subsidies to certain individuals enrolled in a qualifying health benefit 35
plan. 36
37
Amendment No. 1, Health and Human Services Committee Amendment. 38
(Printed in Senate Journal, March 10, page 466 and placed in members' bill files.) 39
40
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 41
Passage. 42
43
- SB06-196** by Senator(s) Hagedorn; also Representative(s) McGihon--Concerning the authority of the 44
governor to appoint a nurse in good standing to the state board of nursing when there is not 45
a candidate available who meets the existing requirements for appointment. 46
47
Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 48
49
50
- HB06-1320** by Representative(s) Hefley, McGihon, Carroll T., Clapp, Decker, Gardner, Jahn; also 51
Senator(s) Grossman--Concerning the promotion of the lottery by the state lottery division 52
director. 53
54
Ordered revised and placed on the calendar for Third Reading and Final Passage. 55
56
57
- HB06-1287** by Representative(s) Stafford; also Senator(s) Sandoval--Concerning the investment of 58
public funds. 59
60
Amendment No. 1, Finance Committee Amendment. 61
(Printed in Senate Journal, March 10, page 467 and placed in members' bill files.) 62
63
As amended, ordered revised and placed on the calendar for Third Reading and Final 64
Passage. 65
66
67

SB06-205 by Senator(s) Windels; also Representative(s) Madden--Concerning the membership requirements of boards created in the department of higher education. 1
 2
 3
Amendment No. 1, Education Committee Amendment. 4
 (Printed in Senate Journal, March 10, page 467 and placed in members' bill files.) 5
 6
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 7
 8
 9

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB06-203, SB06-192, SB06-152, HB06-1174 as amended, SB06-204, SB06-143, SB06-002, SCR06-003, SB06-064, SB06-063, HB06-1010, HB06-1137, HB06-1119, HB06-1122, SB06-109, HB06-1095 as amended, SB06-197, HB06-1071, HB06-1088, HB06-1237, HB06-1190, HB06-1295) of March 17, was laid over until the next General Orders -- Second Reading of Bills calendar, retaining its place. 10
 11
 12
 13
 14
 15
 16
 17
 18
 19

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 20
 21
 22

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: 24
 25
 26

Passed on Second Reading: SB06-172, SB06-058 as amended, SB06-120 as amended, HB06-1318 as amended, SB06-035 as amended, SB06-196, HB06-1320, HB06-1287 as amended, SB06-205 as amended. 28
 29
 30

Laid over to the next General Orders -- Second Reading of Bills calendar, March 17: SB06-203, SB06-192, SB06-152, HB06-1174 as amended, SB06-204, SB06-143, SB06-002, SCR06-003, SB06-064, SB06-063, HB06-1010, HB06-1137, HB06-1119, HB06-1122, SB06-109, HB06-1095 as amended, SB06-197, HB06-1071, HB06-1088, HB06-1237, HB06-1190, HB06-1295. 31
 32
 33
 34
 35
 36

Committee of the Whole On motion of Senator Grossman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Grossman was called to the Chair to act as Chairman. 39
 40
 41

GENERAL ORDERS -- SECOND READING OF BILLS 42
 43

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: 45
 46
 47

SB06-203 by Senator(s) Windels; also Representative(s) Madden--Concerning the requirement that the Colorado commission on higher education comply with the "State Administrative Procedure Act". 49
 50
 51

Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 53
 54

SB06-192 by Senator(s) Groff; also Representative(s) Riesberg--Concerning a task force on drunk driving. 55
 56

Amendment No. 1, Transportation Committee Amendment. 57
 (Printed in Senate Journal, March 10, pages 467-469 and placed in members' bill files.) 58
 59

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 61
 62

SB06-204 by Senator(s) Windels; also Representative(s) Madden--Concerning appointments to the governing boards of state institutions of higher education. 63
 64
 65

Amendment No. 1, Education Committee Amendment. 66
 (Printed in Senate Journal, March 13, page 478 and placed in members' bill files.) 67
 68
 69

Amendment No. 2(L.001), by Senator Windels.

Amend the Education Committee Report, dated March 9, 2006, page 2, strike lines 11 through 13 and substitute the following:

"Page 13, line 5, strike "(2) (a) (I) and";

line 6, strike "are" and substitute "is";

strike lines 9 through 27 and substitute the following:

"**council.** (2)".

Page 14, strike lines 1 through 12.".

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

SB06-152 by Senator(s) Teck; also Representative(s) Penry--Concerning the oversight of investments for specified institutions of higher education.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 13, pages 183-184 and placed in members' bill files.)

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

SB06-002 by Senator(s) Shaffer; also Representative(s) Pommer--Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.

(Printed in Senate Journal, March 8, pages 431-434 and placed in members' bill files.)

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

Amend the Business, Labor, and Technology Committee Report, dated March 6, 2006, page 1, strike lines 6 through 20 and substitute the following:

"BUYER OF RESIDENTIAL REAL PROPERTY HAS THE RIGHT TO TEST THE PROPERTY FOR THE PURPOSE OF DETERMINING WHETHER THE PROPERTY HAS EVER BEEN USED AS A METHAMPHETAMINE LABORATORY.

(2) (a) TESTS CONDUCTED PURSUANT TO THIS SECTION SHALL BE PERFORMED BY A CERTIFIED INDUSTRIAL HYGIENIST. IF THE BUYER'S TEST RESULTS INDICATE THAT THE PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY BUT HAS NOT BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S., THE HYGIENIST SHALL PROMPTLY GIVE WRITTEN NOTICE TO THE SELLER OF THE RESULTS OF THE TEST, AND THE BUYER MAY TERMINATE THE CONTRACT.

(b) THE SELLER SHALL HAVE THIRTY DAYS AFTER RECEIPT OF THE NOTICE TO CONDUCT A SECOND INDEPENDENT TEST. IF THE SELLER'S TEST RESULTS INDICATE THAT THE PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY OR HAS NOT BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S., THEN THE SECOND INDEPENDENT HYGIENIST SHALL SO NOTIFY THE SELLER.

(c) IF THE SELLER RECEIVES THE NOTICE REFERRED TO IN PARAGRAPH (b) OF THIS SUBSECTION (2) OR IF THE SELLER RECEIVES THE NOTICE REFERRED TO IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND DOES NOT ELECT TO HAVE THE REAL PROPERTY RETESTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THEN AN ILLEGAL DRUG LABORATORY USED TO MANUFACTURE METHAMPHETAMINE SHALL BE DEEMED TO HAVE BEEN DISCOVERED AND THE OWNER SHALL BE DEEMED

TO HAVE RECEIVED NOTICE PURSUANT TO SECTION 25-18.5-103 (1) (a),
C.R.S.

(3) (a) EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION,
THE SELLER SHALL DISCLOSE IN WRITING TO THE BUYER WHETHER THE
SELLER KNOWS OR HAS REASON TO KNOW THAT THE PROPERTY WAS
PREVIOUSLY USED AS A METHAMPHETAMINE LABORATORY.

(b) A SELLER WHO FAILS TO".

Strike page 2.

Page 3, strike lines 1 through 27.

Reletter succeeding paragraph accordingly.

Page 4, line 7, strike "(4)" and substitute "(3)";

after line 9, insert the following:

"(4) IF THE SELLER BECAME AWARE THAT THE PROPERTY WAS
ONCE USED FOR THE PRODUCTION OF METHAMPHETAMINE AND THE SELLER
REMEDIED THE PROPERTY IN ACCORDANCE WITH THE STANDARDS
ESTABLISHED PURSUANT TO SECTION 25-18.5-102, C.R.S., AND SUCH
REMEDICATION WAS CERTIFIED AS COMPLETE BY THE APPLICABLE
GOVERNING BODY, THEN THE SELLER SHALL NOT BE REQUIRED TO
DISCLOSE THAT THE PROPERTY WAS USED AS A METHAMPHETAMINE
LABORATORY TO A BUYER AND THE PROPERTY SHALL BE REMOVED FROM
ANY GOVERNMENT-SPONSORED INFORMATIONAL SERVICE LISTING
PROPERTIES THAT HAVE BEEN USED FOR THE PRODUCTION OF
METHAMPHETAMINE.";

strike lines 16 through 35.

Page 5, strike lines 1 through 11.

Renumber succeeding sections accordingly.

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

Amend the Shaffer floor amendment, (SB002_L.003), page 2, line 8,
strike "OR HAS REASON TO KNOW";

after line 13, insert the following:

"Page 3, line 29, strike "OR HAD REASON TO KNOW".".

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

On motion of Senator Gordon, and with a majority of those elected to the Senate having
voted in the affirmative, (HB06-1010, HB06-1095 as amended) were advanced on the
General Orders -- Second Reading of Bills calendar.

HB06-1010 by Representative(s) Weissmann, Penry, Benefield, Curry, Garcia, Hodge, Marshall,
McFadyen, Merrifield, Plant, Todd; also Senator(s) Hanna--Concerning state participation
in government procurement rules of an international trade agreement.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

- HB06-1095** by Representative(s) Weissmann, Garcia, Marshall; also Senator(s) Hanna, Groff, Takis--
Concerning a preference for the purchase of environmentally preferable products by
governmental entities. 1
2
3
4
5
(Amended in General Orders as printed in Senate Journal, March 16, pages 516 and 517.) 6
7
As amended, ordered revised and placed on the calendar for Third Reading and Final 8
Passage. 9
10
- SCR06-003** by Senator(s) Teck, Shaffer, Entz, Dyer, Johnson, Owen, Sandoval, Spence, Takis, Tupa,
Williams; also Representative(s) White, Rose, Berens, Carroll M., Clapp, Hall, Kerr,
Massey, May M., Penry, Stafford, Sullivan, Witwer--Submitting to the registered electors of
the state of Colorado an amendment to section 1 (4) of article V of the constitution of the
state of Colorado, concerning measures submitted for voter approval at statewide elections,
and, in connection therewith, requiring approval by three-fifths of the votes cast for the
adoption of any initiated or referred measure amending the state constitution, authorizing a
simple majority to repeal or amend provisions approved prior to or at the 2006 general
election, and requiring a two-thirds vote of each house of the general assembly to repeal or
amend an initiated or referred statute for a period of five years after passage of the statute. 11
12
13
14
15
16
17
18
19
20
21
Laid over until Monday, March 20, retaining its place on the calendar. 22
23
- SB06-064** by Senator(s) Groff, Hanna; also Representative(s) Garcia, Marshall, Weissmann--
Concerning the monitoring of vendor performance on state contracts, and, in connection
therewith, requiring the submission of information on the use of personal services and sole-
source contracts by state agencies, requiring the existing state database of prospective
vendors to include information concerning vendor performance, requiring the disclosure of
state contract work to be performed outside the state, establishing procedures for monitoring
vendor performance, and authorizing the state to pursue specified remedies for vendor
nonperformance. 24
25
26
27
28
29
30
31
32
Laid over until Monday, March 20, retaining its place on the calendar. 33
34
- SB06-063** by Senator(s) Teck, Groff, Hanna; also Representative(s) Weissmann, Liston, Marshall--
Concerning the procurement of information technology systems. 35
36
37
Laid over until Monday, March 20, retaining its place on the calendar. 38
39
- HB06-1174** by Representative(s) Soper, Carroll M., Cerbo, Larson, Sullivan; also Senator(s) Shaffer--
Concerning workers' compensation coverage for workers in the construction industry. 40
41
42
(Amended in General Orders as printed in Senate Journal, March 9, pages 444 & 448.) 43
44
As amended, ordered revised and placed on the calendar for Third Reading and Final 45
Passage. 46
47
48
49
- On motion of Senator Gordon, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the General Orders -- Second Reading of Bills
Calendar (HB06-1137, HB06-1119, HB06-1122, SB06-109, SB06-197, HB06-1071,
HB06-1088, HB06-1237, HB06-1190, HB06-1295, SB06-143) of March 17, was laid over
until Monday, March 20, retaining its place on the calendar. 50
51
52
53
54
55
56
57
- AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE** 58
- SB06-002** by Senator(s) Shaffer; also Representative(s) Pommer--Concerning mandatory disclosure in
connection with the purchase of residential real property of whether the property has been
used as a methamphetamine laboratory. 59
60
61
62
63
Senator Mitchell moved to amend the Report of the Committee of the Whole to show that
the following amendment to SB 06-002 did pass. 64
65
66
Amend the Shaffer floor amendment, (SB002_L.003), page 2, line 5, after
the period, add "NOTHING IN THIS SECTION SHALL PROHIBIT A BUYER
FROM PURCHASING THE PROPERTY AND ASSUMING LIABILITY PURSUANT TO 67
68
69

SECTION 25-18.5-103, C.R.S., PROVIDED THAT ON THE DATE OF CLOSING, THE SELLER SHALL PROVIDE NOTICE TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF THE PURCHASE AND ASSUMPTION OF LIABILITY AND FURTHER PROVIDES THE REMEDIATION REQUIRED BY SECTION 25-18.5-103, C.R.S., SHALL BE COMPLETED WITHIN NINETY DAYS. "

The amendment to the Report of the Committee of the Whole was declared PASSED, on the following roll call vote:

YES	31	NO	1	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	E	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	E	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	E	Keller	Y	Spence	Y	Wiens	Y
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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Grossman, 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: SB06-203, SB06-192 as amended, SB06-204 as amended, SB06-152 as amended, SB06-002 as amended, HB06-1010, HB06-1095 as amended, HB06-1174 as amended.

Laid over until Monday, March 20: SCR06-003, SB06-064, SB06-063, HB06-1137, HB06-1119, HB06-1122, SB06-109, SB06-197, HB06-1071, HB06-1088, HB06-1237, HB06-1190, HB06-1295, SB06-143.

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB06-1056 were made Special Orders at 11:45 a.m., March 17, 2006.

Committee of the Whole

The hour of 11:45 a.m. having arrived, Senator Grossman moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Grossman 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:

HB06-1056 by Representative(s) Madden; also Senator(s) Hanna--Concerning the provision of healthy nutrition alternatives in public schools.

Ordered revised 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 Grossman, 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: HB06-1056.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

After consideration on the merits, the Committee recommends that SB06-208 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 27, strike "UNIVERSAL HEALTH CARE ACCESS, UNIVERSAL HEALTH CARE" and substitute "ACCESS,".

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

After consideration on the merits, the Committee recommends that HB06-1249 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "HERSELF." and substitute "HERSELF RELATED TO THE INTENDED LIVE BIRTH OF A CHILD.".

Transportation

After consideration on the merits, the Committee recommends that HB06-1244 be referred to the Committee of the Whole with favorable recommendation.

Transportation

After consideration on the merits, the Committee recommends that HB06-1016 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "STATION," and substitute "STATION CREATED PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S.,";

after line 23, insert the following:

"(c) IF A MOVER APPLIED FOR AND RECEIVED A TEMPORARY REGISTRATION ISSUED PURSUANT TO THIS SUBSECTION (6), THE MOVER SHALL NOT BE SUBJECT DURING THE PERIOD COVERED BY THE TEMPORARY REGISTRATION TO A PENALTY FOR FAILURE TO HAVE A PERMANENT REGISTRATION.".

Appropriations

After consideration on the merits, the Committee recommends that HB06-1374 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB06-1373 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB06-1372 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB06-1371 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB06-1370 be referred to the Committee of the Whole with favorable recommendation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Appropriations

After consideration on the merits, the Committee recommends that **HB06-1369** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 14, strike lines 1 through 7 and substitute the following:

"40a DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, MEDICAL SERVICES PREMIUMS -- THE CALCULATIONS FOR THIS LINE ITEM INCLUDE \$5,100,000 TOTAL FUNDS FOR RATE INCREASES FOR LONG-TERM CARE COMMUNITY PROVIDERS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT INCREASE RATES AS FOLLOWS:

<u>PROVIDER CLASS</u>	<u>RATE INCREASED</u>	<u>ESTIMATE FUNDING</u>
ASSISTED LIVING FACILITIES	15.07%	\$1,142,490
DAY CARE SERVICES	3.57%	\$46,367
SKILLED NURSING	7.20%	\$567,960
HOME HEALTH AIDES	4.20%	\$586,690
PHYSICAL THERAPY	36.30%	\$286,990
SPEECH THERAPY	35.90%	\$146,664
OCCUPATIONAL THERAPY	29.20%	\$173,356
PRIVATE DUTY REGISTERED NURSING	3.80%	\$90,220
PRIVATE DUTY LICENSED NURSING	8.00%	\$90,218
PERSONAL CARE HOMEMAKER	10.00%	\$1,846,514
ALL OTHER	2.57%	<u>\$122,531</u>
TOTAL		\$5,100,000

THE DEPARTMENT IS REQUESTED TO REPORT TO THE JOINT BUDGET COMMITTEE BY JUNE 1, 2006 THE RATE PLAN THAT HAS BEEN ADOPTED BY THE MEDICAL SERVICES BOARD."

Appropriations

After consideration on the merits, the Committee recommends that **HB06-1368** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB06-073** 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 13, strike "SEVENTEEN" and substitute "EIGHTEEN".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-179** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 16, 2006, page 1, strike lines 3 and 4 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

"Page 3, strike line 2 and substitute the following:

"TREASURER SHALL TRANSFER TEN MILLION DOLLARS FROM";

line 3, strike "BALANCE OF";".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-110** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated March 1, 2006, page 1, line 12, after "DOLLARS", insert "DOLLARS RECOVERABLE, WITH ATTORNEY FEES AND COSTS, IN A CIVIL ACTION THAT MAY BE BROUGHT BY THE OFFICE OF THE ATTORNEY GENERAL ON BEHALF OF THE DEPARTMENT OF LABOR AND EMPLOYMENT,";

line 15, after "C.R.S.", insert "THE MONEYS IN THE JUDICIAL STABILIZATION CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE OFFICE OF THE ATTORNEY GENERAL FOR COSTS INCURRED FOR ACTIONS BROUGHT PURSUANT TO THIS SECTION.";

line 16, after "STABILIZATION", insert "CASH";

line 17, strike "FUND." and substitute, "FUND, WHICH SHALL THEN BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE OFFICE OF THE ATTORNEY GENERAL FOR COSTS INCURRED FOR ACTIONS BROUGHT PURSUANT TO THIS SECTION.";

after line 20, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the judicial stabilization cash fund created in section 13-32-101 (1.5), Colorado Revised Statutes, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2006, the sum of one hundred seventy-two thousand one hundred ninety-seven dollars (\$172,197) and 2.5 FTE, or so much thereof as may be necessary, for the implementation of this act."

Page 2, line 1, strike "**SECTION 2.**" and substitute "**SECTION 3.**";

line 3, strike "**SECTION 3.**" and substitute "**SECTION 4.**";

strike lines 6 and 7.

Appropriations

After consideration on the merits, the Committee recommends that **SB06-144** 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. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-133. Instructors - health benefits study - report. (1) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL CONDUCT A STUDY TO DETERMINE THE IMPACT OF PROVIDING HEALTH AND DENTAL BENEFITS TO PERSONS WHO ARE EMPLOYED BY ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES AND WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS AT ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES IN A CONSECUTIVE TWELVE-MONTH PERIOD. IN THE COURSE OF CONDUCTING THE STUDY, THE COMMISSION SHALL DETERMINE BUT SHALL NOT BE LIMITED TO DETERMINING THE FOLLOWING:

(a) THE NUMBER OF PERSONS WHO ARE EMPLOYED BY ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS IN A CONSECUTIVE TWELVE-MONTH PERIOD AND WHO ARE NOT ELIGIBLE TO ENROLL IN A HEALTH INSURANCE BENEFIT PLAN AND A DENTAL INSURANCE BENEFIT PLAN PROVIDED THROUGH A STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE;

1
2
3
4
5
6
7

(b) THE NUMBER OF PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) WHO ARE TEACHING AT EACH STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE;

8
9
10
11

(c) THE ESTIMATED ANNUAL COST OF PROVIDING HEALTH INSURANCE BENEFITS AND DENTAL INSURANCE BENEFITS TO THE PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), INCLUDING BUT NOT LIMITED TO THE COST OF PAYING THE EMPLOYER'S SHARE OF THE PREMIUM FOR SUCH BENEFITS AND ANY ADMINISTRATIVE COSTS; AND

12
13
14
15
16
17

(d) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COLORADO COMMISSION ON HIGHER EDUCATION IN ORDER TO DETERMINE THE IMPACT OF PROVIDING HEALTH INSURANCE BENEFITS AND DENTAL INSURANCE BENEFITS TO THE PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

18
19
20
21
22
23

(2) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL WORK WITH EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE THAT EMPLOYS ONE OR MORE PERSONS WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS AT ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES IN ORDER TO COLLECT THE INFORMATION REQUIRED PURSUANT TO THIS SECTION.

24
25
26
27
28
29
30

(3) IN CONNECTION WITH THE STUDY REQUIRED PURSUANT TO THIS SECTION, EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE SHALL, WHEN IT NEXT NEGOTIATES ITS HEALTH INSURANCE AND DENTAL INSURANCE BENEFIT PLANS, EVALUATE THE OPTIONS FOR AND COSTS OF INCLUDING PERSONS WHO TEACH LESS THAN FULL TIME AT THE STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE IN SUCH BENEFIT PLANS. EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE SHALL TRANSMIT ITS FINDINGS TO THE COLORADO COMMISSION ON HIGHER EDUCATION, AND THE COMMISSION SHALL INCLUDE THE FINDING IN THE REPORT REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

31
32
33
34
35
36
37
38
39
40
41

(4) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE MEMBERS OF THE HOUSE AND SENATE EDUCATION COMMITTEES, OR ANY SUCCESSOR COMMITTEES, DETAILING THE RESULTS OF THE STUDY CONDUCTED PURSUANT TO THIS SECTION AND INCLUDING THE FINDINGS OF EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE PURSUANT TO SUBSECTION (3) OF THIS SECTION, NO LATER THAN JANUARY 15, 2007.

42
43
44
45
46
47
48
49

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-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 (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."."

50
51
52
53
54
55
56
57
58
59
60

Appropriations

After consideration on the merits, the Committee recommends that **HB06-1120** be referred to the Committee of the Whole with favorable recommendation.

61
62
63
64
65
66
67

Appropriations

After consideration on the merits, the Committee recommends that **SB06-105** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 16 through 18 and substitute the following:

"(3) NOTHING IN THIS ARTICLE SHALL BE";

line 19, strike "REGULATING" and substitute "INSPECTING";

strike lines 21 through 27.

Page 7, strike lines 1 through 3.

Page 8, line 25, strike "2007," and substitute "2006,";

line 26, strike "2008." and substitute "2007.".

Page 9, line 7, strike "2007." and substitute "2006.";

line 9, strike "2011." and substitute "2010.";

line 10, strike "2012." and substitute "2011.".

Page 19, after line 27, insert the following:

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the conveyance safety fund created in section 9-5.5-112 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2006, the sum of two hundred three thousand nine hundred sixty dollars (\$203,960) and 2.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2006, the sum of nine thousand six hundred sixty-eight dollars (\$9,668), or so much thereof as may be necessary, for the provision of legal services to the division of oil and public safety in the department of labor and employment related to the implementation of this act. Said sum shall be from cash funds exempt received from the division of oil and public safety in the department of labor and employment out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 101, strike "CONVEYANCES." and substitute "CONVEYANCE, AND MAKING AN APPROPRIATION THEREFOR.".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-024** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB06-047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 19, after line 11, insert the following:

SECTION 10. Effective date. This act shall take effect January 1, 2007."

Renumber succeeding section accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

MESSAGE FROM THE HOUSE

March 17, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB06-1278, amended as printed in House Journal, March 16, page 782.
HB06-1293, amended as printed in House Journal, March 16, page 782.

The House has passed on Third Reading and returns herewith SB06-006,
107,180,039.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB06-055, amended as printed in House Journal, March 16, pages 782-783.
SB06-014, amended as printed in House Journal, March 16, page 783.
SB06-145, amended as printed in House Journal, March 16, pages 785-786.
SB06-102, amended as printed in House Journal, March 16, page 786.

The House has adopted the First Report of the First Conference Committee on
HB06-1175, as printed in House Journal, March 17, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB06-1093, 1242
1112, 1106, 1103, 1141, 1084, 1204, 1239, 1156, and has repassed the bills as so
amended.

MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2006

We herewith transmit:

Without comment, as amended, HB06-1278 and 1293.
Without comment, as amended, SB06-14, 55, 102, and 145.

SENATE SERVICES REPORT

Correctly Printed: SJR06-015.
Correctly Engrossed: SJR06-013.
Correctly Reengrossed: SB06-188, and 194.
Correctly Rerevised: HB06-1080, 1084, 1141, 1195, 1204, and 1239.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1033, 1039, 1048, 1068, 1143, 1181.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB06-208** be referred
to the Committee of the Whole with favorable recommendation.

TRIBUTES

Honoring:

John L Hall, PHD -- by Senator Fitz-Gerald.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

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 March 17 was laid over until Monday, March 20, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB06-1041, SB06-195, HB06-1341.
- Consideration of Resolutions: HB06-1013.
- Consideration of Memorials: SJM06-001.
- Consideration of House Amendments to Senate Bills: SB06-062, SB06-057, SB06-118, SB06-097, SB06-121, SB06-134.
- Reconsideration of Bills: HB06-1051.
- Consideration of Governor's Appointments:
 - Member of the Oil and Gas Conservation Commission of the State of Colorado.
 - Members of the Colorado Board of Veterans Affairs.
 - Members of the State Agricultural Commission.
 - Members of the Colorado Health Facilities Authority Board of Directors.
 - Member of the Private Occupational School Board.
 - Members of the Board of Real Estate Appraisers.
 - Members of the Securities Board.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, March 20, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40