

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

23rd Legislative Day

Thursday, February 2, 2006

Prayer By the chaplain, Rev. Dwight Blackstock, Presbyterian Church of the Covenant,
Greenwood Village.

Pledge By Senator Tochtrop.

Call to Order By the President at 9:00 a.m.

Roll Call Present--34.
Absent--1; Dyer.
Present later--Dyer.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Williams, reading of the Journal of February 1, 2006 was
dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB06-130** be referred
to the Committee on Appropriations with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB06-1200** be referred
to the Committee of the Whole with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **SB06-017** be
postponed indefinitely.

Health & Human Services After consideration on the merits, the Committee recommends that **SB06-044** be amended
as follows, and as so amended, be referred to the Committee on Appropriations with
favorable recommendation.

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

"SECTION 1. Legislative declaration. (1) The general
assembly finds and declares that:

(a) Many uninsured Coloradans use hospital emergency rooms for
either basic health care services or for the treatment of illnesses that if
treated earlier would have been considerably less expensive.

(b) Uncompensated care is reflected in an increase in hospital
charges, which shifts the cost of care to the health insurance companies.

(c) In order to reduce this cost-shifting and to provide better care
for uninsured Coloradans, additional resources need to be targeted to
primary care services in the state.

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(d) The increase in the provision of primary care services will reduce the use of hospital emergency rooms by uninsured Coloradans for nonemergency care.

(e) A reduction in uncompensated hospital care, specifically in emergency rooms, will decrease the financial losses of hospitals, which should decrease the cost-shift to the health insurance companies; this outcome should be reflected in a decrease in individual health insurance premiums.

(2) The general assembly, therefore, supports an increase in funding for primary care services and encourages the executive branch regulatory agencies to monitor the cost-shifting occurring within Colorado's health care system.

SECTION 2. 26-15-104, Colorado Revised Statutes, is amended to read:

26-15-104. Program for the medically indigent established - eligibility - rules. (1) A program for the medically indigent is hereby established, to commence July 1, 1983, which shall be administered by the department of health care policy and financing, to provide payment to providers for the provision of medical services to eligible persons who are medically indigent. The department of health care policy and financing may promulgate such rules and regulations as are necessary for the implementation of this part 1 in accordance with article 4 of title 24, C.R.S.

(2) A CLIENT'S ELIGIBILITY TO RECEIVE DISCOUNTED SERVICES UNDER THE PROGRAM FOR THE MEDICALLY INDIGENT SHALL BE DETERMINED BY RULE OF THE STATE BOARD BASED ON A SPECIFIED PERCENTAGE OF THE FEDERAL POVERTY LEVEL, ADJUSTED FOR FAMILY SIZE, WHICH PERCENTAGE SHALL NOT BE LESS THAN TWO HUNDRED FIFTY PERCENT.

SECTION 3. 26-15-106 (1), Colorado Revised Statutes, is amended, and the said 26-15-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-15-106. Responsibility of the department of health care policy and financing - provider reimbursement. (1) The state department shall be responsible for:

(a) Execution of such contracts with providers for partial reimbursement of costs for medical services rendered to the medically indigent as the state department shall determine are necessary for the program;

(b) Promulgation of such reasonable rules as are necessary for the program; and

(c) Submission of the report required in section 26-15-105; AND

(d) APPLICATION FOR ALL AVAILABLE FEDERAL FINANCIAL PARTICIPATION UNDER THE PROGRAM.

(20) AFTER RECEIVING APPROVAL BY THE STATE DEPARTMENT, A COMMUNITY HEALTH CLINIC MAY UTILIZE MONEYS RECEIVED PURSUANT TO THIS ARTICLE, AND ANY GIFTS, GRANTS, AND DONATIONS FOR THE DEVELOPMENT AND IMPLEMENTATION OF DEMONSTRATION PROJECTS THAT MAY INCLUDE BUT NEED NOT BE LIMITED TO COORDINATION OF CARE AND DISEASE MANAGEMENT.

SECTION 4. Article 15 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-15-114. Health care services fund - creation. (1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO HEALTH CARE SERVICES FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS CREDITED THERETO PURSUANT TO THIS SECTION.

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(b) IN FISCAL YEAR 2005-06, AND EACH OF THE FOUR FISCAL YEARS THEREAFTER, FIFTEEN MILLION DOLLARS OF THE MONEYS IN THE GENERAL FUND EXEMPT ACCOUNT CREATED IN SECTION 24-77-103.6 (2), C.R.S., SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND.

(c) ALL MONEYS APPROPRIATED TO THE FUND SHALL BE USED AS PROVIDED IN THIS SECTION AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THIS STATE OR TO ANY OTHER FUND. NOTWITHSTANDING ANY PROVISION OF SECTION 24-36-114, C.R.S., TO THE CONTRARY, ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(2) (a) IN FISCAL YEAR 2005-06, AND EACH OF THE FOUR FISCAL YEARS THEREAFTER, NOTWITHSTANDING THE REQUIREMENTS OF SECTION 26-15-106 (9) (b), THE MONEYS DEPOSITED INTO THE FUND SHALL BE APPROPRIATED TO PROVIDE PRIMARY CARE SERVICES TO LOW-INCOME ADULTS BY COMMUNITY HEALTH CLINICS PURSUANT TO THIS ARTICLE.

(b) OF THE MONEYS APPROPRIATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), EIGHTEEN PERCENT OF THE MONEYS ANNUALLY APPROPRIATED SHALL BE TO DENVER HEALTH AND HOSPITALS AS THE COMMUNITY HEALTH CLINIC PROVIDER FOR THE CITY AND COUNTY OF DENVER.

SECTION 5. 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."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-019** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 14, after "BENEFITS", insert "OF FORTY THOUSAND DOLLARS";

line 15, strike "REASONABLE, NECESSARY," and substitute "MEDICALLY NECESSARY";

line 19, after the period, insert "THE INSURER SHALL PROMPTLY PAY CLAIMS SUBMITTED FOR EMERGENCY MEDICAL CARE COVERAGE IN ACCORDANCE WITH SECTION 10-16-106.5."

Page 3, after line 11, insert the following:

"(III) THE REQUIREMENTS OF THIS PARAGRAPH (b) SHALL NOT APPLY TO A SELF-INSURER, AS DESCRIBED IN SECTION 10-4-624."

Renumber succeeding subparagraph accordingly.

Page 3, strike lines 14 through 16 and substitute the following:

"PROVIDED BY A STATE-RECOGNIZED LEVEL I, II, III, IV, OR V TRAUMA CENTER TO AN INDIVIDUAL INJURED IN AN AUTOMOBILE ACCIDENT.";

after line 26, insert the following:

SECTION 2. 10-4-624 (2), Colorado Revised Statutes, is amended to read:

10-4-624. Self-insurers. (2) The commissioner may, in his or her discretion, upon the application of such person, issue a certificate of self-insurance when the commissioner is satisfied that such person is able and will continue to be able to pay benefits as required under ~~section 10-4-620~~ SECTION 10-4-620 (1) (a) and to pay any and all judgments that may be obtained against such person. Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay

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any benefits under ~~section 10-4-620~~ SECTION 10-4-620 (1) (a) or failure to pay any judgment within thirty days after such judgment has become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 3. 10-16-106.5 (2.5), Colorado Revised Statutes, is amended to read:

10-16-106.5. Prompt payment of claims - legislative declaration. (2.5) EXCEPT AS PROVIDED IN SECTION 10-4-620 (1) (b) FOR CLAIMS ARISING UNDER EMERGENCY MEDICAL CARE COVERAGE IN AN AUTOMOBILE INSURANCE POLICY, this section shall not apply to claims arising under part 6 of article 4 of this title."

Renumber succeeding sections accordingly.

Education

After consideration on the merits, the Committee recommends that **SB06-046** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 18, strike "EDUCATION AND" and substitute "EDUCATION,";

line 19, strike "EDUCATION" and substitute "EDUCATION, AND THE EARLY CHILDHOOD SCHOOL READINESS COMMISSION".

Page 8, line 1, strike "TWENTY-FIVE" and substitute "TWENTY-NINE";

line 2, after "EDUCATION," insert "THE EARLY CHILDHOOD DEVELOPMENT COMMUNITY,";

after line 8, insert the following:

"(II) ONE MEMBER WHO REPRESENTS THE GOVERNOR'S OFFICE;

(III) ONE MEMBER WHO REPRESENTS THE LIEUTENANT GOVERNOR'S OFFICE;"

Renumber succeeding subparagraphs accordingly.

Page 8, after line 14, insert the following:

"(VII) ONE MEMBER WHO IS A LICENSED MIDDLE SCHOOL OR HIGH SCHOOL COUNSELOR IN COLORADO;"

Renumber succeeding subparagraphs accordingly.

Page 8, line 19, strike "AND";

line 20, strike "SYSTEM;" and substitute "SYSTEM, AND AT LEAST TWO FACULTY MEMBERS FROM A RESEARCH INSTITUTION, STATE COLLEGE, OR THE COMMUNITY COLLEGE SYSTEM;"

line 23, strike "TWO" and substitute "THREE".

Page 9, line 1, strike "AND";

after line 1, insert the following:

"(XIII) TWO MEMBERS WHO ARE PARENTS, INCLUDING ONE REPRESENTATIVE OF A STATEWIDE PARENTS' ORGANIZATION; AND".

Renumber succeeding subparagraph accordingly.

Page 9, line 2, strike "FOUR" and substitute "TWO";

line 20, strike "THE" and substitute "IN ADDITION TO CREATING A

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STATEWIDE P-16 VISION FOR EDUCATION IN COLORADO, THE".

Page 10, line 2, strike "AND";

after line 2, insert the following:

"(f) STRATEGIES TO INCREASE, IMPROVE, AND PROMOTE SCHOOL READINESS PREPARATION FOR CHILDREN UNDER FIVE YEARS OF AGE;

(g) STUDYING THE IMPORTANCE AND FEASIBILITY OF COORDINATING STUDENT DATA ACROSS ALL LEVELS OF EDUCATION, AND MAKING RECOMMENDATIONS TO IMPLEMENT ANY PROPOSALS FOR SUCH DATA COORDINATION; AND".

Reletter succeeding paragraph accordingly.

Page 10, line 11, after "THE", insert "EARLY CHILDHOOD,";

line 12, strike "KINDERGARTEN-THROUGH-TWELFTH-GRADE" and substitute "KINDERGARTEN-THROUGH-TWELFTH-GRADE,".

Page 11, strike line 13 and substitute the following:

"COMPENSATION, BUT THEY MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES FOR DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE P-16 COUNCIL AS SET FORTH IN THIS ARTICLE. SUCH REIMBURSEMENT SHALL COME ONLY FROM AVAILABLE MONEYS APPROPRIATED FROM THE P-16 CASH FUND CREATED IN SECTION 22-88-106.";

line 14, strike "2016." and substitute "2010.".

Page 13, strike line 1 and substitute the following:

"(2) COMPENSATION AND REIMBURSEMENT AS PROVIDED IN SECTIONS 22-88-103 (1) (e) (I), 22-88-104 (4),";

line 2, after "ASSEMBLY", insert "AND P-16 COUNCIL,";

line 15, strike "2016." and substitute "2010.".

Business,
Labor, &
Technology

The Committee on Business, Labor and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2009:

David Lynn Hoffman of Westminster, Colorado, to serve as a Democrat from the Second Congressional District, reappointed.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-014** be referred to the Committee of the Whole with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-081** be referred to the Committee on Appropriations with favorable recommendation.

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On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB06-009 by Senator(s) Mitchell, Grossman; also Representative(s) McGihon, Carroll T., Witwer-- Concerning a requirement that discussions occurring in executive sessions of public bodies be electronically recorded.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	A	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		

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

Co-sponsors added: Evans, Fitz-Gerald, Gordon, Groff, Johnson, Kester, McElhany, Shaffer, Teck, Tochtrop and Tupa.

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB06-1200** was made Special Orders at 9:15 a.m.

Committee of the Whole The hour of 9:15 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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.

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: HB06-1200.

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 (SB06-053, SB06-095, SB06-084) of February 2 was laid over until Friday, February 3, 2006, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having

voted in the affirmative, the General Orders -- Second Reading of Bills calendar (SB06-041, SB06-056, SB06-051, SB06-062, SB06-074, SB06-005, SB06-032, SB06-070, SB06-113) of February 2 was laid over until Friday, February 3, 2006, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Isgar, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO AGRICULTURAL DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS

for a term expiring June 30, 2009:

Don R. Schulz of Alamosa, Colorado, to serve as a member knowledgeable of agricultural activity in the state and as a Democrat, reappointed.

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		

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

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2008:

Kirk J. Miller of Denver, Colorado, to fill the vacancy occasioned by the resignation of Edward Lujan, Jr. of Littleton, Colorado, and to serve as a full-time paid police officer representative, appointed;

for terms expiring September 1, 2009:

Todd A. Bower of Denver, Colorado, to serve as a full-time paid firefighter, reappointed;

Stanley T. Sponsel of Denver, Colorado, to serve as a retired firefighter, 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		

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-021** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation, and with the recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 4, strike "THE" and substitute "IF ALLOWED UNDER FEDERAL LAW, THE";

line 26, strike "TENTH" and substitute "FIFTH".

Page 3, strike lines 1 through 3 and substitute the following:

"SECTION 3. Effective date. This act shall take effect July 1, 2006.

SECTION 4. 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."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB06-1012** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 2, after the second "elector", insert "VOTED, SIGNED THE SELF-AFFIRMATION, AND";

line 4, after "elector", insert "VOTED, SIGNED THE SELF-AFFIRMATION, AND";

line 12, after "not", insert "VOTE, SIGN THE SELF-AFFIRMATION, OR".

SENATE SERVICES REPORT

Correctly Printed: SCR06-002; SJR06-007.
Correctly Reengrossed: SB06-012, 016, 025, and 079.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR06-004 and 006.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, February 3, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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