

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

16th Legislative Day

Thursday, January 26, 2006

Prayer By the chaplain, Rev. Paul Kottke, University Park United Methodist Church.

Pledge By Senator Brophy.

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

Roll Call Present--33.
Excused--2; Grossman, Owen.
Present later--Grossman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jones, reading of the Journal of January 25, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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:

**MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM**

for terms expiring January 21, 2010:

Joseph B. Blake of Denver, Colorado, appointed;

Bonifacio A. Cosyleon of Pueblo, Colorado, appointed.

Education After consideration on the merits, the Committee recommends that **SB06-069** be referred to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HJR06-1004** be referred to the Senate for final action.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, Senate Rule 15(c) was suspended for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

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MEMBERS OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM

for terms expiring January 21, 2010:

Joseph B. Blake of Denver, Colorado, appointed;

Bonifacio A. Cosyleon of Pueblo, Colorado, appointed.

Table with 4 columns: YES, NO, EXCUSED, ABSENT. Rows list names and their corresponding counts for each category.

MESSAGE FROM THE HOUSE

Jan 25, 2006

Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1016, amended as printed in House Journal, January 23, page 78.

MESSAGE FROM THE REVISOR OF STATUTES

January 25, 2006

We herewith transmit:

Without comment, as amended, HB06-1016.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that SB06-038 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, strike "(e)" and substitute "(e) (I)";

after line 10, insert the following:

"(II) COMMENCING JANUARY 1, 2007, THE ATTORNEY GENERAL SHALL PROVIDE ANNUAL REPORTS TO THE JOINT BUDGET COMMITTEE AND SHALL POST ON THE ATTORNEY GENERAL'S WEBSITE A STATISTICAL REPORT OF THE NUMBER OF REFERRALS, CONVICTIONS, ARRESTS, ACTIONS INITIATED AND RESTITUTIONS, FINES, COSTS, AND FORFEITURES OBTAINED FROM THE INVESTIGATION AND PROSECUTION OF INSURANCE FRAUD AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e)."

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 (SB06-006) of January 26 was laid over until Friday, January 27, 2006, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Printed: SB06-115.
Correctly Engrossed: SJR06-004.
Correctly Revised: HJR06-1006

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR06-005 by Senator(s) Gordon; also Representative(s) Madden--Concerning the release to the public of any proposed amendment to a bill that strikes everything below the enacting clause of the bill when a fiscal note has been requested to be prepared on the proposed amendment in accordance with the joint rules.

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

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB06-079 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 13, strike "2009," and substitute "2006,";

line 14, after "FORTH", insert "THE DESIRED RESULTS OR BENEFITS TO BE ACHIEVED BY THE BILL, AS INTENDED BY THE GENERAL ASSEMBLY, THAT SHALL BE USED BY LEGISLATIVE SERVICES AGENCIES IN CONDUCTING A POST-ENACTMENT REVIEW IN ACCORDANCE WITH THIS SECTION AND";

line 16, after "CONDUCT", insert "SUCH", and strike "REVIEW IN ACCORDANCE WITH" and substitute "REVIEW.";

strike line 17.

Page 3, line 7, strike "ACCOUNTABILITY CLAUSE" and substitute "LEGISLATIVE DECLARATION".

Page 4, strike line 1 and substitute the following:

"FORTH IN THE LEGISLATIVE";

line 15 after "SENATE,", insert "THE MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND SENATE,".

Page 5, line 2, after "ADDED", insert "TO ANY BILL";

line 3, strike "ASSEMBLY." and substitute "ASSEMBLY AND ADOPTED DURING THE LEGISLATIVE PROCESS IN ACCORDANCE WITH LAW AND LEGISLATIVE PROCEDURES.";

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line 14, after "CLAUSE", insert "AND A LEGISLATIVE DECLARATION";

strike lines 18 through 26 and substitute the following:

"(a) "ACCOUNTABILITY CLAUSE" MEANS A NONCODIFIED PROVISION OF A BILL THAT DIRECTS LEGISLATIVE STAFF AGENCIES TO CONDUCT A REVIEW OF THE IMPLEMENTATION OF THE BILL EITHER TWO OR FIVE YEARS, AS SPECIFIED IN THE PROVISION, AFTER THE ENACTMENT OF THE BILL."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-012** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 10, insert the following:

"SECTION 2. 39-22-2503 (2), Colorado Revised Statutes, is amended to read:

39-22-2503. Contributions credited to the family resource centers fund - appropriation. (2) The general assembly shall appropriate annually from the family resource centers fund to the department of revenue its costs of administering moneys designated as contributions to the fund. All moneys remaining in the fund at the end of a fiscal year, after subtracting the appropriation to the department of revenue, shall be transferred to the ~~department of public health and environment~~ FAMILY RESOURCE CENTERS ASSOCIATION, A COLORADO NONPROFIT ORGANIZATION. The ~~department of public health and environment~~ FAMILY RESOURCE CENTERS ASSOCIATION shall distribute the moneys to family resource centers statewide that operate in accordance with the provisions of section 26-18-104 (2), C.R.S., and such moneys shall be used in furtherance of the work of the family resource centers."

Renumber succeeding sections accordingly.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-085** 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, strike "THREE" and substitute "TWO".

MESSAGE FROM THE HOUSE

Jan 26, 2006

Madame President:

The House has adopted and transmits herewith HJR06-1007, and amended as printed in House Journal, January 26.

The House has adopted and transmits herewith HJR06-1005, as printed in House Journal.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR06-006 by Senator(s) Williams; also Representative(s) Witwer--Concerning the safety of teen drivers.

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

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HJR06-1005 by Representative(s) Marshall, Hefley, Balmer, Benefield, Borodkin, Cerbo, Coleman, Larson, Madden, Paccione, Riesberg, Solano, Stafford; also Senator(s) Tochtrop--
Concerning urging the Colorado Cancer Coalition to increase the public's awareness of the prevalence, causes, and prevention of cervical cancer, and, in connection therewith, recognizing Cervical Cancer Awareness Month.

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

HJR06-1007 by Representative(s) Green, Madden, Boyd, Buescher, Larson, Lindstrom, McGihon, McKinley, Plant, Todd, Witwer; also Senator(s) Keller--Concerning the funding of the national renewable energy laboratory for the purpose of continuation of research therein, and, in connection therewith, encouraging such funding to continue on an annual basis.

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:

SB06-116 by Senator(s) Takis, Hanna, Spence, Taylor; also Representative(s) Schultheis, Coleman, Vigil, White--Concerning replacement of the requirement that the state auditor perform a program review and evaluation of each tobacco settlement program at least once every three years in accordance with a schedule designed by the legislative audit committee with a requirement that the state auditor perform such program reviews and evaluations as deemed necessary by the legislative audit committee after consultation with the state auditor.
Finance

SB06-117 by Senator(s) Evans; also Representative(s) Merrifield--Concerning certification of job readiness for students in public institutions of higher education.
Education

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".
Education

SB06-119 by Senator(s) Groff; also Representative(s) Garcia--Concerning an increase in the aggregate outstanding principal amount of bonds that may be secured by the state's moral obligation to the Colorado educational and cultural facilities authority.
Education

SB06-120 by Senator(s) Dyer; --Concerning the requirement of a full investigation prior to the amendment of licenses issued by state agencies.
Business, Labor and Technology

SB06-121 by Senator(s) Sandoval; --Concerning surrogate decision-makers for health care benefits.
Health and Human Services

SB06-122 by Senator(s) Traylor; also Representative(s) Weissmann--Concerning creation of the adolescent substance abuse prevention and treatment fund.
Health and Human Services

SB06-123 by Senator(s) Owen; also Representative(s) Hall--Concerning the authority of military forces to use lethal force.
State, Veterans & Military Affairs

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.
Finance

SB06-125 by Senator(s) Windels; --Concerning on-line education programs.
Education

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.
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- SB06-127** by Senator(s) Sandoval; also Representative(s) Madden--Concerning the provision of fresh
produce in public schools. 4
Education 5
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- SB06-128** by Senator(s) Owen, Evans, Gordon, Johnson, Keller, Mitchell; also Representative(s)
Riesberg, Cloer, Frangas, Knoedler, Larson, Marshall--Concerning a program for services
for people with disabilities under the state medical assistance program. 8
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Health and Human Services 12
- SB06-129** by Senator(s) Keller, Owen, Tapia; also Representative(s) Buescher, Hall, Plant--
Concerning the utilization of a cash system of accounting for non-administrative
expenditures that qualify for federal financial participation under title XIX of the federal
"Social Security Act". 13
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Finance 17
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- SB06-130** by Senator(s) Bacon; also Representative(s) White--Concerning the restoration of funding
for boards of cooperative services. 19
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Education 21
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- SB06-131** by Senator(s) Tochtrop, Isgar; also Representative(s) McFadyen--Concerning
reimbursement under the medical assistance program for nursing facility providers. 23
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Health and Human Services 25
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- SB06-132** by Senator(s) Brophy; also Representative(s) Hodge--Concerning continuation of the
domestic wastewater treatment grant program. 27
28
Local Government 29
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- HB06-1016** by Representative(s) Lindstrom, Larson; also Senator(s) Spence--Concerning the issuance
of a temporary registration for commercial movers of household goods. 31
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Transportation 34
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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, January 27,
2006. 36
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Approved: 39
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Joan Fitz-Gerald
President of the Senate 41
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Attest: 46
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Secretary of the Senate 48
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