

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

37th Legislative Day

Thursday, February 16, 2006

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

Pledge By Senator Johnson.

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

Roll Call Present--31.
Absent--2; Dyer, Taylor.
Excused--2; Grossman, Owen.
Present later--Dyer, Grossman, Owen, Taylor.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of February 16, 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 **SB06-031** be referred to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB06-119** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB06-137** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 30, strike lines 13 through 27.

Strike pages 31 through 33.

Page 34, strike lines 1 through 25.

Re-number succeeding sections accordingly.

Page 57, strike lines 5 through 9.

Re-number succeeding sections accordingly.

Education After consideration on the merits, the Committee recommends that **SB06-176** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 21, strike "THE" and substitute "IN THE MANNER PRESCRIBED IN SECTION 22-60.5-108, THE".

Page 9, after line 21, insert the following:

"SECTION 7. Adjustments to the 2006 long bill. (1) For implementation of this act, appropriations made in the annual general

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appropriation act for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The cash funds appropriation to the department of education for Colorado and federal bureau of investigation record checks, is decreased by seven hundred fifty thousand dollars (\$750,000). Said sum shall be from the educator licensure fund created in section 22-60.5-112, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to the department of public safety, Colorado bureau of investigation, Colorado crime information center, identification, for program costs, is decreased by three hundred thirty-seven thousand eight hundred sixteen dollars (\$337,816). Said sum shall be from fingerprint and name check processing fees from other state agencies.

(c) The cash funds appropriation to the department of public safety, Colorado bureau of investigation, Colorado crime information center, identification, for program costs, is increased by three hundred thirty-seven thousand eight hundred sixteen dollars (\$337,816). Said sum shall be from fingerprint and name check processing fees collected by the department."

Renumber succeeding sections accordingly.

Page 1, line 101, strike "EDUCATORS." and substitute "EDUCATORS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Education

After consideration on the merits, the Committee recommends that SB06-024 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 "(4)", insert "(a)";

line 6, strike "ON AND AFTER JULY 1, 2007,";

line 13, strike "SYSTEM" and substitute "SYSTEM, INCLUDING THE COLORADO PRESCHOOL PROGRAM,";

line 14, strike "THE STUDENT'S UNIQUE" and substitute "AN ALTERNATIVE";

after line 15, insert the following:

"(b) ADAMS STATE COLLEGE, MESA STATE COLLEGE, WESTERN STATE COLLEGE, AND METROPOLITAN STATE COLLEGE SHALL IMPLEMENT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) ON OR BEFORE JULY 1, 2007. ALL OTHER POSTSECONDARY INSTITUTIONS SHALL IMPLEMENT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) ON OR BEFORE JULY 1, 2009.

SECTION 2. 22-7-603.5 (4), Colorado Revised Statutes, is amended to read:

22-7-603.5. Legislative declaration - measurement of value added to academic progress. (4) The state board may adopt rules necessary for implementation and administration of this section including, but not limited to, provisions to uniquely identify individual students, INCLUDING STUDENTS ENROLLED IN THE COLORADO PRESCHOOL PROGRAM, CREATED PURSUANT TO SECTION 22-28-104."

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-155** be postponed indefinitely.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-040** 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 6 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

6-6-104. Automatic renewals - disclosure - separate authorization - penalty. (1) ANY PERSON THAT SELLS OR OFFERS TO SELL GOODS OR SERVICES TO A CONSUMER PURSUANT TO A CONTRACT THAT WILL AUTOMATICALLY RENEW AND BE BILLED TO A CREDIT CARD UNLESS THE CONSUMER CANCELS THE CONTRACT SHALL:

(a) CLEARLY AND CONSPICUOUSLY DISCLOSE:

(I) THE MATERIAL TERMS OF THE OFFER;

(II) THE AUTOMATIC RENEWAL PROVISIONS, INCLUDING THE FACT THAT THE AMOUNT DUE UPON RENEWAL WILL BE BILLED TO A CREDIT CARD; AND

(III) HOW TO CANCEL.

(2) IF A CONTRACT DESCRIBED IN SUBSECTION (1) OF THIS SECTION HAS A SPECIFIED TERM OF TWELVE MONTHS OR LONGER, THE SELLER SHALL ALERT THE CONSUMER TO THE PENDING RENEWAL BY SENDING WRITTEN NOTICE TO THE CONSUMER'S LAST-KNOWN ADDRESS, NO LESS THAN THIRTY DAYS AND NO MORE THAN SIXTY DAYS BEFORE THE RENEWAL DATE, STATING CLEARLY AND CONSPICUOUSLY:

(a) THAT UNLESS THE CONSUMER CANCELS THE CONTRACT, THE CONTRACT WILL AUTOMATICALLY RENEW ON THE RENEWAL DATE, INCURRING A CHARGE THAT WILL BE BILLED TO THE CONSUMER'S CREDIT CARD;

(b) HOW TO CANCEL THE CONTRACT; AND

(c) WHERE THE CONSUMER CAN OBTAIN DETAILS OF THE AUTOMATIC RENEWAL PROVISION AND THE CANCELLATION PROCEDURE, SUCH AS BY CONTACTING THE SELLER AT A SPECIFIED TELEPHONE NUMBER OR ADDRESS, BY REFERRING TO A COPY OF THE CONTRACT, OR BY OTHER MEANS REASONABLY CALCULATED TO MAKE SUCH INFORMATION EASILY AVAILABLE TO THE CONSUMER.

(3) (a) VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS 2 PETTY OFFENSE, AND, UPON CONVICTION THEREOF, THE VIOLATOR SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS. VIOLATION OF THIS SECTION SHALL ALSO CONSTITUTE A DECEPTIVE TRADE PRACTICE IN VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF THIS TITLE, AND SHALL BE SUBJECT TO REMEDIES OR PENALTIES, OR BOTH, PURSUANT THERETO.

(b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE ANY LIABILITY ON THE PART OF A CREDIT CARD ISSUER. THE RESPONSIBILITY TO PROVIDE THE DISCLOSURES AND OBTAIN THE CONSENT REQUIRED BY THIS SECTION SHALL BE UPON THE SELLER OF THE GOODS OR SERVICES THAT ARE THE SUBJECT OF THE CONTRACT.

SECTION 2. 6-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(xx) VIOLATES ANY PROVISION OF SECTION 6-6-104.

SECTION 3. Effective date - applicability. (1) 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.

(2) The provisions of this act shall apply to contracts entered into on or after the applicable effective date of this act."

Page 1, strike line 102 and substitute "**CONTRACTS CONTAINING AUTOMATIC RENEWAL PROVISIONS.**".

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-077** 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 "(4.3), (4.5)," and substitute "(4.5)";

strike lines 6 through 16.

Page 4, line 12, strike "AS DEFINED IN";

line 13, strike "SUBSECTION (4.3) OF THIS SECTION";

after line 17, insert the following:

"SECTION 2. 24-30-1510 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-1510. Risk management fund - creation - authorized and unauthorized payments. (3) Expenditures shall be made out of the risk management fund in accordance with subsection (1) of this section only for the following purposes:

(j) TO PAY LIABILITY CLAIMS AND EXPENSES RELATED THERETO BROUGHT AGAINST THE CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION CREATED BY THE CUMBRES AND TOLTEC SCENIC RAILROAD COMPACT AND RECOGNIZED IN SECTION 24-60-1902 IN CONNECTION WITH THE CUMBRES AND TOLTEC SCENIC RAILROAD OR AGAINST ANY EMPLOYEE OF THE COMMISSION FOR AN ACT OR OMISSION OCCURRING DURING THE PERFORMANCE OF THE EMPLOYEE'S DUTIES AND WITHIN THE SCOPE OF THE EMPLOYEE'S EMPLOYMENT, SUBJECT TO THE FOLLOWING REQUIREMENTS AND LIMITATIONS:

(I) THE PERSON MAKING A CLAIM MUST HAVE COMPLIED WITH THE PROVISIONS OF SECTION 24-10-109, WHICH ARE HEREBY MADE APPLICABLE TO SUCH A CLAIM;

(II) THE MAXIMUM AMOUNT THAT SHALL BE PAID UNDER THIS PARAGRAPH (j) FOR ANY SINGLE OCCURRENCE SHALL BE THE AMOUNT THAT MAY BE NECESSARY TO MAKE UP THE DIFFERENCE BETWEEN THE PROCEEDS OF ANY COMMERCIAL INSURANCE POLICY MAINTAINED BY THE COMMISSION AND THE FOLLOWING MAXIMUM AMOUNTS:

(A) FOR ANY INJURY TO ONE PERSON IN ANY SINGLE OCCURRENCE, THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS;

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(B) FOR ANY INJURY TO TWO OR MORE PERSONS IN ANY SINGLE OCCURRENCE, THE SUM OF SIX HUNDRED THOUSAND DOLLARS; EXCEPT THAT, IN SUCH INSTANCE NO PERSON MAY RECOVER IN EXCESS OF ONE HUNDRED FIFTY THOUSAND DOLLARS.

(III) NOTHING IN THIS PARAGRAPH (j) SHALL BE CONSTRUED TO MAKE THE STATE LIABLE FOR ANY OCCURRENCE OUTSIDE OF THE STATE OF COLORADO OR FOR THE ACTS OR OMISSIONS OF ANY RAILROAD OPERATOR UNDER CONTRACT TO THE COMMISSION OR THE STATE OF NEW MEXICO OR THEIR RESPECTIVE AGENTS OR EMPLOYEES.

SECTION 3. The introductory portion to 24-30-1510.5 (3) (a), Colorado Revised Statutes, is amended, and the said 24-30-1510.5 (3) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

24-30-1510.5. Self-insured property fund - creation - authorized and unauthorized payments - executive director authorized to make payments. (3) Expenditures shall be made out of the self-insured property fund in accordance with subsection (1) of this section only for the following purposes:

(a) To pay claims for loss or damage to state property OR TO THE REAL AND PERSONAL PROPERTY OF THE CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION CREATED BY THE CUMBRES AND TOLTEC SCENIC RAILROAD COMPACT AND RECOGNIZED IN SECTION 24-60-1902 subject to the following conditions:

(V) COVERAGE FOR THE REAL AND PERSONAL PROPERTY OF THE CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION SHALL BE THROUGH COMMERCIAL INSURANCE POLICY ONLY, SHALL EXCLUDE LOCOMOTIVES, RAIL CARS, MAINTENANCE OF WAY, BRIDGES, AND TRESTLES, AND SHALL BE SUPPLEMENTAL TO ANY INSURANCE MAINTAINED BY THE COMMISSION; AND

(VI) NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO RELIEVE THE STATE OF NEW MEXICO OF ITS OBLIGATIONS, IF ANY, WITH RESPECT TO RAILROAD PROPERTY UNDER THE CUMBRES AND TOLTEC SCENIC RAILROAD COMPACT."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

February 15, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1156, amended as printed in House Journal, February 14, pages 329-330. HB06-1125, amended as printed in House Journal, February 14, pages 330-331.

MESSAGE FROM THE REVISOR OF STATUTES

February 15, 2006

We herewith transmit:

Without comment, as amended, HB06-1125 and 1156.

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INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR06-009 by Senator(s) Williams; also Representative(s) Todd--Concerning the Colorado YMCA Youth in Government program.

On motion of Senator Williams, the resolution was read at length and **adopted** by the following roll call vote:

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		

Co-sponsors added: Bacon, Brophy, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May R., McElhany, Mitchell, Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens and Windels.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB06-191** by Senator(s) Veiga; also Representative(s) Larson--Concerning workers' compensation coverage for an independent contractor working as a driver with a common carrier or a contract carrier.
State, Veterans & Military Affairs
- HB06-1007** by Representative(s) Decker; also Senator(s) Williams--Concerning the transfer of a motor vehicle to a person not licensed as a motor vehicle dealer for the purpose of scrapping the motor vehicle.
Transportation
- HB06-1028** by Representative(s) Carroll T.; also Senator(s) Mitchell--Concerning an increase in the number of judges in certain courts within the state judicial department, and making an appropriation therefor.
Judiciary
- HB06-1035** by Representative(s) Ragsdale, Green, Larson; also Senator(s) May R., Williams--Concerning motor vehicles required to stop before crossing at grade railroad tracks.
Transportation
- HB06-1081** by Representative(s) Ragsdale; also Senator(s) Fitz-Gerald--Concerning a prohibition on the inspection of certain records maintained by designated election officials that relate to the identification of electors.
State, Veterans & Military Affairs
- HB06-1104** by Representative(s) Ragsdale; also Senator(s) Entz--Concerning a requirement that an applicant for an identification card contain the applicant's fingerprint.
State, Veterans & Military Affairs
- HB06-1141** by Representative(s) Hall, Massey; also Senator(s) Grossman--Concerning the authorization of affiliated business arrangements relating to title insurance.
Business, Labor and Technology
- HB06-1125** by Representative(s) Coleman, Larson, Riesberg, Ragsdale, Pommer, Frangas, Gallegos, Green, Judd, Lindstrom, Merrifield, Vigil; also Senator(s) Groff, Williams, Dyer, Grossman--Concerning the enforcement of an offense involving failure to use an appropriate motor vehicle restraining device.
Judiciary

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- HB06-1139** by Representative(s) White, Lindstrom, Plant; also Senator(s) Fitz-Gerald--Concerning the expenditure of limited gaming revenues from the state historical fund by cities that are authorized to conduct limited gaming.
Local Government
- HB06-1143** by Representative(s) Gallegos; also Senator(s) Kester--Concerning the authority of a county clerk and recorder to request criminal history records for individuals who assist in the process of conducting elections.
State, Veterans & Military Affairs
- HB06-1148** by Representative(s) Vigil, Hefley, Benefield, Berens, Carroll M., Coleman, Crane, Frangas, Gallegos, Green, McKinley, Merrifield, Ragsdale, Soper, Welker; also Senator(s) Tapia, Bacon, Entz, Hanna, Keller, Kester, Teck, Williams, Windels--Concerning a prohibition against the shifting of financial responsibility for negligence in construction agreements.
Judiciary
- HB06-1156** by Representative(s) Welker; also Senator(s) Brophy--Concerning increased consumer rights regarding the use of social security numbers.
Business, Labor and Technology
- HB06-1188** by Representative(s) Lindstrom; also Senator(s) Johnson--Concerning the requirement that mechanical conveyances be inspected in accordance with a national safety standard.
Business, Labor and Technology

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

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: Bacon, Groff, Grossman, Hanna, Isgar, Spence, Tapia, Teck, Tochtrop, Williams and Windels.

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, HB06-1015, SB06-132) of February 16 was laid over until Friday, February 17, 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 (SB06-109, SB06-091, SB06-106, SB06-093, SB06-036, SB06-121, SB06-068, SB06-055, SB06-125, SB06-066, SB06-134, SB06-037, SB06-075, SB06-143) of February 16 was laid over until Friday, February 17, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE HAZARDOUS WASTE COMMISSION

for a term expiring August 1, 2006:

Christopher J. Neumann of Denver, Colorado, to fill the vacancy occasioned by the resignation of Dr. John W. Daily of Boulder, Colorado, and to serve as a representative of the academic community and as a Republican, appointed;

for terms expiring August 1, 2008:

Christina M. Aguilera of Westminster, Colorado, to serve as a representative of the academic community and as Unaffiliated, reappointed;

Lynn M. Kornfeld of Denver, Colorado, to serve as a representative of the regulated community and as a Democrat, appointed;

William J. Kelso of Centennial, Colorado, to serve as a representative of the public and as a Republican, reappointed.

for a term expiring August 1, 2006:

Melanie J. Granberg of Denver, Colorado, to serve as a representative of the regulated community and as an Unaffiliated, appointed.

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding counts. Rows list names of members and their votes.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that HB06-1027 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that SB06-061 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 3, after "THOSE", insert "AIDS AND"; strike lines 6 and 7.

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 20 through 23 and substitute the following:

"(6) "DEAF OR HARD OF HEARING" MEANS A PERSON WHO HAS A FUNCTIONAL HEARING LOSS OF SUFFICIENT SEVERITY TO PREVENT AURAL COMPREHENSION, EVEN WITH THE ASSISTANCE OF HEARING AIDS."

Page 4, strike lines 1 through 11 and substitute the following:

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~~"(3) "Intermediary interpreter" means any qualified interpreter, including any hearing-impaired person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing-impaired person and a qualified interpreter.";~~

line 12, strike "(10)" and substitute "(8)";

line 17, strike "AUTHORIZED" and substitute "ACCEPTED".

Page 6, after line 19, insert the following:

"(g) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO PROVIDE LESS THAN IS REQUIRED BY TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT", 42 U.S.C. 12101, AND ITS IMPLEMENTING REGULATIONS."

Page 8, strike line 25 and substitute the following:

"MAY HAVE ACCESS TO COUNSEL FOR ADVICE AND SHALL HAVE ACTUAL, FULL".

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1049** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-135** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-128** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 6, strike "**rules.**" and substitute "**rules - repeal.**".

Page 3, line 19, strike "DECEMBER 1, 2006," and substitute "JANUARY 1, 2007,";

line 27, strike "WHETHER THE STATE".

Page 4, strike line 1 and substitute the following:

"AN IDENTIFICATION OF THE TYPE OF FEDERAL AUTHORIZATION NECESSARY";

line 5, strike "ON OR BEFORE DECEMBER 1, 2006,";

line 8, strike "THIRTY DAYS" and substitute "SIX MONTHS";

after line 17, insert the following:

"(5) ON OR BEFORE JANUARY 15 OF THE YEAR FOLLOWING THE IMPLEMENTATION OF THE PILOT PROGRAM, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE ON THE EFFECTS OF THE PILOT PROGRAM.

(6) IF, AFTER IMPLEMENTATION OF THE PILOT PROGRAM, THE STATE DEPARTMENT CAN ESTABLISH THAT THE PILOT PROGRAM HAS RESULTED IN COST SAVINGS AND IMPROVED CLIENT SATISFACTION, SUBJECT TO THE APPROVAL OF THE JOINT BUDGET COMMITTEE AND ANY NECESSARY FEDERAL AUTHORIZATIONS, THE PILOT PROGRAM MAY BE EXPANDED INTO OTHER GEOGRAPHIC AREAS OF THE STATE.

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(7) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1 OF THE FIFTH YEAR FOLLOWING IMPLEMENTATION OF THE PILOT PROGRAM.

(b) THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES OF THE DATE THAT THE PILOT PROGRAM IS IMPLEMENTED."

SENATE SERVICES REPORT

Correctly Revised: HJR06-1012.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB06-167 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 23, insert the following:

"(1) "COLORADO MINIMUM WAGE ORDER NUMBER 22" MEANS THE COLORADO MINIMUM WAGE ORDER NUMBER 22, ISSUED BY THE DIVISION OF LABOR IN THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT AND EFFECTIVE ON AUGUST 1, 1998, OR ANY SUCCESSOR ORDER ISSUED BY THE DIVISION THAT SPECIFIES MINIMUM ALLOWABLE BREAK OR REST PERIODS FOR EMPLOYEES."

Renumber succeeding subsections accordingly.

Page 4, line 8, after "(1)", insert "(a)";

line 10, strike "TWENTY-MINUTE";

line 11, after "CHILD.", insert "EACH BREAK SHALL BE OF A DURATION THAT IS STANDARD FOR BREAK OR REST PERIODS CURRENTLY PROVIDED BY THAT EMPLOYER, EXCEPT IN NO CASE SHALL THE ALLOWABLE BREAK TIME BE LESS THAN TEN MINUTES PER BREAK, IN ACCORDANCE WITH COLORADO MINIMUM WAGE ORDER NUMBER 22.";

line 21, after "CHILD.", add "AN EMPLOYER MAY LIMIT THE TOTAL AMOUNT OF DAILY BREAK TIME ALLOWED TO AN EMPLOYEE, INCLUDING THE MEAL BREAK, TO AN AMOUNT OF TIME THAT IS STANDARD FOR THAT EMPLOYER AND MAY REDUCE AN EMPLOYEE'S MEAL BREAK, AS NECESSARY, TO ALLOW THE EMPLOYEE THE TWO ADDITIONAL BREAK PERIODS REQUIRED BY THIS SUBSECTION (1).";

after line 21, insert the following:

"(b) AN EMPLOYER THAT IS NOT REQUIRED TO AND DOES NOT CURRENTLY PROVIDE BREAK OR REST PERIODS TO ITS EMPLOYEES SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SUBSECTION (1) IF COMPLIANCE WOULD IMPOSE AN UNDUE HARDSHIP ON THE EMPLOYER OR CREATE A SAFETY HAZARD OR CONCERN TO EMPLOYEES OR OTHERS PRESENT IN THE WORKPLACE.";

line 25, after "PRIVACY.", add "NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE AN EMPLOYER TO ESTABLISH A NURSERY OR CHILD CARE FACILITY FOR ITS EMPLOYEES. IF AN EMPLOYER DOES NOT ALREADY PROVIDE AN ON-SITE NURSERY OR CHILD CARE FACILITY, THE EMPLOYER SHALL NOT BE REQUIRED TO ALLOW AN EMPLOYEE TO BREASTFEED IN THE WORKPLACE.".

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-172** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-189** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 15, strike "FIFTY" and substitute "TEN";
line 24, strike "FIFTY" and substitute "TEN".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-161** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-123** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

February 16, 2006
Madame President:

The House has adopted and returns herewith SJR06-009.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1088, amended as printed in House Journal, February 15, page 341.

MESSAGE FROM THE REVISOR OF STATUTES

February 16, 2006

We herewith transmit:

Without comment, as amended, HB06-1088.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR06-1012.

TRIBUTES

Honoring:

Timothy Scott Rowland -- by Senator Brophy.

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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, February 17, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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