

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

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80th Legislative Day Friday, March 31, 2006

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Prayer	By Senator Fitz-Gerald.	11
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Pledge	By Senator Keller.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--35.	18
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Quorum	The President announced a quorum present.	20
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Reading of Journal	On motion of Senator Traylor, reading of the Journal of March 30, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	22
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**COMMITTEE OF REFERENCE REPORTS**

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Local Government	After consideration on the merits, the Committee recommends that <b>HB06-1338</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31
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	Amend reengrossed bill, page 2, line 7, strike "A" and substitute "ALL OR ANY PORTION OF A".	36
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	Page 3, after line 9, insert the following:	39
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	<b>"SECTION 2. Repeal.</b> 32-9-106.4 and 32-9-106.5, Colorado Revised Statutes, are repealed."	41
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	Renumber succeeding section accordingly.	44
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Trans- portation	After consideration on the merits, the Committee recommends that <b>HB06-1294</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	47
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Trans- portation	After consideration on the merits, the Committee recommends that <b>HB06-1176</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	51
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Finance	After consideration on the merits, the Committee recommends that <b>SB06-218</b> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	55
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	Amend printed bill, page 2, strike lines 7 and 8 and substitute the following:	59
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	<del>"thousand dollars each calendar year</del> GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS from the Colorado disabled telephone users fund to".	62
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Finance

After consideration on the merits, the Committee recommends that **HB06-1201** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 22, strike "FIFTY" and substitute "FIFTY-FIVE".

Page 3, line 1, strike "C.R.S.," and substitute "C.R.S.";

strike line 2 and substitute the following:

"OF THE AMOUNT TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND IN THE 2005-06 FISCAL YEAR, ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON";

line 3, strike "C.R.S." and substitute "C.R.S., FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101, C.R.S., FOR USE IN COMPLYING WITH SECTION 24-48.5-107, C.R.S., AND FIVE MILLION DOLLARS SHALL BE TRANSFERRED TO THE COLORADO ECONOMIC DEVELOPMENT COMMISSION TO FUND PERFORMANCE-BASED INCENTIVES FOR THE CREATION OF NEW JOBS PURSUANT TO SECTION 24-46-105.7, C.R.S., AS ENACTED PURSUANT TO HOUSE BILL 06-1017. OF THE AMOUNT TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND IN THE 2006-07 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, ONE MILLION FIVE HUNDRED THOUSAND DOLLARS, AS ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR, SHALL BE TRANSFERRED TO THE COLORADO COUNCIL ON THE ARTS, FIVE HUNDRED THOUSAND, AS ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR, SHALL BE TRANSFERRED TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101, C.R.S., FOR USE IN COMPLYING WITH SECTION 24-48.5-107, C.R.S., AND FIVE MILLION DOLLARS, AS ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR, SHALL BE TRANSFERRED TO THE COLORADO ECONOMIC DEVELOPMENT COMMISSION TO FUND PERFORMANCE-BASED INCENTIVES FOR THE CREATION OF NEW JOBS PURSUANT TO SECTION 24-46-105.7, C.R.S., AS ENACTED PURSUANT TO HOUSE BILL 06-1017. AS USED IN THIS SUB-SUBPARAGRAPH (A), "INFLATION" MEANS THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX.";

line 11, strike "ARTS" and substitute "ARTS, THE OFFICE OF ECONOMIC DEVELOPMENT, THE COLORADO ECONOMIC DEVELOPMENT COMMISSION,";

line 16, strike "ARTS" and substitute "ARTS, THE OFFICE OF ECONOMIC DEVELOPMENT, THE COLORADO ECONOMIC DEVELOPMENT COMMISSION,";

line 20, strike "ARTS" and substitute "ARTS, THE OFFICE OF ECONOMIC DEVELOPMENT, THE COLORADO ECONOMIC DEVELOPMENT COMMISSION,";

line 23, strike "TO SAID FUNDS".

Page 5, line 14, strike "twenty-one million three";

strike line 15 and substitute the following:

"twenty-three million five hundred fifteen thousand eight hundred dollars (\$23,515,800), or so much thereof";

line 23, strike "twenty-one million eight";

strike line 24 and substitute the following:

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"twenty-five million one hundred thirty-seven thousand five hundred dollars (\$25,137,500), or so much thereof as".

Page 6, strike line 5 and substitute the following:

"one million five hundred thousand dollars (\$1,500,000), or so";

strike line 13 and substitute the following:

"one million five hundred thirty-one thousand five hundred dollars (\$1,531,500), or so much";

after line 14, insert the following:

**SECTION 8. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of the limited gaming revenues apportioned in section 12-47.1-701, Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to Colorado promotion - other program costs in the economic development programs division, for use in complying with section 24-48.5-107, Colorado Revised Statutes, for the fiscal year beginning July 1, 2005, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 9. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of the limited gaming revenues apportioned in section 12-47.1-701, Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to Colorado promotion - other program costs in the economic development programs division, for use in complying with section 24-48.5-107, Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the sum of five hundred ten thousand five hundred dollars (\$510,500), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 10. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of the limited gaming revenues apportioned in section 12-47.1-701, Colorado Revised Statutes, not otherwise appropriated, to the Colorado economic development commission in the office of economic development, office of the governor, to fund performance-based incentives for job creation pursuant to section 24-46-105.7, Colorado Revised Statutes, for the fiscal year beginning July 1, 2005, the sum of five million dollars (\$5,000,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 11. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of the limited gaming revenues apportioned in section 12-47.1-701, Colorado Revised Statutes, not otherwise appropriated, to the Colorado economic development commission in the office of economic development, office of the governor, to fund performance-based incentives for job creation pursuant to section 24-46-105.7, Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the sum of five million one hundred five thousand dollars (\$5,105,000), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **SB06-210** be postponed indefinitely.

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **HB06-1351** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Health & Human Services

After consideration on the merits, the Committee recommends that **HB06-1193** be referred to the Committee of the Whole with favorable recommendation.

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Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-198** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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**SECTION 1.** Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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**10-16-121.5. Health care contract headnotes - contract provisions - definitions.** (1) (a) ON AND AFTER JANUARY 1, 2007, A HEALTH CARE CONTRACT SHALL INCLUDE, IN THE ORDER SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE HEADNOTES STATED IN SUBSECTION (3) OF THIS SECTION, UNLESS THE HEALTH CARE PROFESSIONAL CHOOSES TO USE A DIFFERENT CONTRACT.

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(b) FOR THE PURPOSES OF THIS SECTION:

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(I) "HEADNOTES" MEANS WORDS OR PHRASES THAT ARE PRINTED IN BOLD, UNDERLINED, OR OTHER CONTRASTING TYPE AND THAT BEGIN A NEW PARAGRAPH OR CLAUSE CONTAINING CONTRACTUAL TERMS CONSISTENT WITH THE SUBJECT MATTER OF THE HEADNOTE.

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(II) "HEALTH CARE CONTRACT" OR "CONTRACT" MEANS A CONTRACT THAT IS ENTERED INTO OR RENEWED BETWEEN A HEALTH CARE PROFESSIONAL AND A PERSON OR ENTITY WHO, IN THE NORMAL COURSE OF BUSINESS, ENTERS INTO CONTRACTS FOR THE DELIVERY OF HEALTH CARE SERVICES.

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(III) "HEALTH CARE PROFESSIONAL" MEANS A PERSON OR ENTITY LICENSED IN THIS STATE TO PRACTICE MEDICINE, CHIROPRACTIC, NURSING, PHYSICAL THERAPY, PODIATRY, DENTISTRY, OPTOMETRY, OR OTHER HEALING ARTS. "HEALTH CARE PROFESSIONAL" INCLUDES A PROFESSIONAL CORPORATION OR OTHER PROFESSIONAL ENTITY COMPRISING SUCH HEALTH CARE PROFESSIONALS AS PERMITTED BY LAWS OF THIS STATE; EXCEPT THAT "HEALTH CARE PROFESSIONAL" DOES NOT INCLUDE A PHARMACIST, PHARMACY, OR PROVIDER OF PHARMACY SERVICES.

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(2) A CONTRACT SHALL BE WRITTEN IN PLAIN LANGUAGE.

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(3) A CONTRACT'S HEADNOTES SHALL APPEAR IN THE FOLLOWING ORDER AND SHALL INDICATE THE FOLLOWING PROVISIONS:

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(a) THE NAME AND ADDRESS OF EACH PARTY ENTERING INTO OR RENEWING THE CONTRACT;

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(b) FACTUAL RECITALS;

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(c) THE TERMS OF THE CONTRACT, WHICH TERMS SHALL INCLUDE THE EFFECTIVE DATE AND DURATION OF THE CONTRACT AND THE SPECIFIC PRODUCTS OR SERVICES TO BE PROVIDED BY THE PERSON OR ENTITY ENTERING INTO THE CONTRACT WITH THE HEALTH CARE PROFESSIONAL;

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(d) TERMINATION PROVISIONS, WHICH SHALL INCLUDE:

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(I) THAT THE CONTRACT MAY BE TERMINATED BY EITHER PARTY AFTER NINETY DAYS' WRITTEN NOTICE TO THE OTHER PARTY; AND

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(II) THE CIRCUMSTANCES JUSTIFYING TERMINATION FOR CAUSE;

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(e) THE ORDER OF PRECEDENCE OF DOCUMENTS CONTAINED IN THE

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CONTRACT;

(f) THE SCOPE OF WORK COVERED UNDER THE CONTRACT, INCLUDING:

(I) THE PRODUCTS AND SERVICES TO BE PROVIDED BY THE HEALTH CARE PROFESSIONAL; AND

(II) THE PERSONS OR ENTITIES RESPONSIBLE FOR MAKING PAYMENT TO THE HEALTH CARE PROFESSIONAL;

(g) RESPONSIBILITIES OF THE PERSON OR ENTITY AND THE HEALTH CARE PROFESSIONAL, INCLUDING:

(I) A PROHIBITION AGAINST INTERFERING WITH THE HEALTH CARE PROFESSIONAL'S RIGHT TO DETERMINE AND SET THE PAYOR MIX RATIO OF THE PRACTICE;

(II) A NONDISCRIMINATION PROVISION STATING THAT THE HEALTH CARE PROFESSIONAL SHALL NOT DISCRIMINATE OR DIFFERENTIATE IN THE TIMING, MANNER, OR PROVISION OF HEALTH CARE PRODUCTS OR SERVICES BECAUSE OF A PERSON'S RACE, COLOR, ETHNICITY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, SEXUAL ORIENTATION, INCOME, DISABILITY, OR AGE; AND

(III) A PROVISION IDENTIFYING THE LICENSURE OR CERTIFICATION REQUIREMENTS OF THE HEALTH CARE PROFESSIONAL;

(h) CONSIDERATION OR PAYMENT TERMS, INCLUDING:

(I) THE METHODS USED FOR THE CALCULATION OF COMPENSATION, INCLUDING ANY METHODOLOGY, CALCULATION, OR POLICY AFFECTING THE FINAL, NET, OR ACTUAL COMPENSATION, AND THE APPLICABLE VERSION, ALONG WITH ANY GEOGRAPHIC ADJUSTMENTS, CONVERSION FACTORS, OR UNIT VALUES;

(II) THE FEE SCHEDULE, UPON REQUEST OF THE HEALTH CARE PROFESSIONAL; AND

(III) A DESCRIPTION OF THE PERSON'S OR ENTITY'S CODING METHODOLOGY AND ANY EXCEPTIONS TO STANDARD CPT METHODOLOGY;

(i) DISPUTE RESOLUTION PROCEDURES, INCLUDING A PROVISION THAT ALLOWS FOR THE HEALTH CARE PROFESSIONAL TO RESOLVE A DISPUTE THROUGH THE "UNIFORM ARBITRATION ACT", AS SET FORTH AND AMENDED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS;

(j) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY PARTY TO BE NOTIFIED OF A DISPUTE REGARDING OR AMENDMENT TO THE CONTRACT;

(k) THE ASSIGNMENT OF DUTIES UNDER, AND SUCCESSORS TO, THE CONTRACT, INCLUDING A PROVISION THAT PROHIBITS ANY ASSIGNMENT WITHOUT NOTICE ACCORDING TO PARAGRAPH (m) OF THIS SUBSECTION (3);

(l) SEVERABILITY PROVISIONS;

(m) THE ENTIRE UNDERSTANDING OF AND PROCESS FOR AMENDMENTS, INCLUDING:

(I) A PROVISION STATING THAT AMENDMENTS CONSTITUTING A MATERIAL ADVERSE CHANGE IN THE TERMS OF THE CONTRACT SHALL ONLY OCCUR IN CONJUNCTION WITH THE ANNIVERSARY DATE ON WHICH THE CONTRACT WAS ENTERED INTO AND THAT THE PERSON OR ENTITY SHALL PROVIDE THE HEALTH CARE PROFESSIONAL WITH WRITTEN NOTICE OF THE CHANGES AT LEAST NINETY DAYS PRIOR TO SUCH ANNIVERSARY DATE, EXCEPT WHEN A SHORTER NOTICE PERIOD IS REQUIRED TO COMPLY WITH CHANGES IN APPLICABLE LAW. THE PROVISION SHALL ALSO STATE

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THAT, WITHIN THIRTY DAYS THEREAFTER, THE PARTIES SHALL AGREE TO THE NEW TERMS AND, IF THEY ARE UNABLE TO AGREE, THE HEALTH CARE PROFESSIONAL MAY TERMINATE THE CONTRACT BY PROVIDING NOTICE TO THE CONTRACTING PERSON OR ENTITY.

(II) A PROVISION THAT STATES THE PERSON OR ENTITY SHALL NOTIFY THE HEALTH CARE PROFESSIONAL IN WRITING OF AMENDMENTS FOR CLERICAL MATTERS THAT DO NOT AFFECT SUBSTANTIVE RIGHTS OR PAYMENTS UNDER THE CONTRACT FOR AT LEAST SIXTY DAYS PRIOR TO THE EFFECTIVE DATE OF THE CHANGES, EXCEPT WHEN A SHORTER NOTICE PERIOD IS REQUIRED TO COMPLY WITH CHANGES IN APPLICABLE LAW; AND

(III) A PROVISION THAT SPECIFIES THAT CHANGES IN TERMS WITH REGARD TO PARAGRAPHS (f) AND (h) OF THIS SUBSECTION (3) SHALL NOT BE MADE EXCEPT IN ACCORDANCE WITH THIS PARAGRAPH (m);

(n) SURVIVAL OF THE TERMS, INCLUDING THE PROHIBITION OF ANY OBLIGATIONS BEYOND THE TERM OF THE CONTRACT;

(o) CHANGES TO THE CONTRACT TO COINCIDE WITH CHANGES IN THE LAW;

(p) REMEDIES, INCLUDING A PROVISION THAT REQUIRES THE ALLOWANCE FOR ALL AVAILABLE STATUTORY AND COMMON LAW REMEDIES; AND

(q) ANY OTHER PROVISIONS AGREED UPON BY BOTH PARTIES TO THE CONTRACT.

(4) A CONTRACT SHALL NOT REQUIRE A HEALTH CARE PROFESSIONAL TO CONTRACT FOR ALL PRODUCTS AND SERVICES OFFERED BY THE PERSON OR ENTITY WITH WHOM THE HEALTH CARE PROFESSIONAL IS CONTRACTING.

(5) IF A CONTRACT REFERS TO ADDENDA, THE ADDENDA SHALL APPEAR IN THE FOLLOWING ORDER:

(a) THE IDENTITY OF THE PRODUCTS OR SERVICES COVERED UNDER THE CONTRACT AND ALL THE PERSONS OR ENTITIES RESPONSIBLE TO MAKE PAYMENT TO THE HEALTH CARE PROFESSIONAL;

(b) A FEE SCHEDULE FOR COMPENSATION AND COMPENSATION TO BE PAID; THE METHODS USED FOR THE CALCULATION OF COMPENSATION; ANY METHODOLOGY, CALCULATION, POLICY AFFECTING THE FINAL NET OR ACTUAL COMPENSATION, THE APPLICABLE VERSION, ANY GEOGRAPHIC ADJUSTMENT, CONVERSION FACTORS, OR UNIT VALUES;

(c) THE PERSON'S OR ENTITY'S CODING STANDARDS AND REQUIREMENTS, ADMINISTRATIVE CONSIDERATIONS, AND DISPUTE RESOLUTION PROCEDURES, AND A CLEARLY DEFINED DESCRIPTION OF THE GRIEVANCE PROCEDURES; AND

(d) CLEARLY DEFINED UTILIZATION REVIEW AND QUALITY IMPROVEMENT PROGRAMS.

(6) A PERSON OR ENTITY SHALL NOT DISCRIMINATE OR RETALIATE AGAINST A HEALTH CARE PROFESSIONAL FOR REQUIRING THE USE OF THE STANDARD CONTRACT HEADNOTES AND PROVISIONS PURSUANT TO THIS SECTION OR FOR ASSERTING OR ENFORCING THE RIGHTS AND OBLIGATIONS IN THIS SECTION. "DISCRIMINATION" SHALL INCLUDE, BUT NOT BE LIMITED TO, OFFERING OR PROVIDING ANY FINANCIAL OR OTHER BENEFIT FOR NOT USING THE CONTRACT HEADNOTES AND PROVISIONS.

(7) A PERSON OR ENTITY SHALL NOT REQUIRE A HEALTH CARE PROFESSIONAL TO WAIVE ANY PROVISION OF STATE OR FEDERAL LAW UNDER A CONTRACT.

(8) A CONTRACT MAY BE MODIFIED TO THE EXTENT NECESSARY TO COMPLY WITH STANDARDS SET FORTH IN STATE-FUNDED OR

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FEDERALLY-FUNDED PROGRAM REQUIREMENTS.

(9) NOTHING IN THIS SECTION SHALL PROHIBIT THE USE OR DISCLOSURE OF A CONTRACT FOR PURPOSES OF ENSURING COMPLIANCE WITH STATE OR FEDERAL LAW.

(10) THIS SECTION SHALL NOT APPLY TO:

(a) ORGANIZATIONS THAT EXCLUSIVELY CONTRACT WITH A SINGLE MEDICAL GROUP IN A SPECIFIC GEOGRAPHIC AREA TO PROVIDE OR ARRANGE FOR HEALTH CARE SERVICES;

(b) EMPLOYMENT CONTRACTS OR ARRANGEMENTS BETWEEN AN INDIVIDUAL HEALTH CARE PROFESSIONAL OR FACILITY AND OTHER HEALTH CARE PROFESSIONALS OR BETWEEN AN INDIVIDUAL HEALTH CARE PROFESSIONAL AND A BUSINESS ENTITY CONSISTING OF HEALTH CARE PROVIDERS;

(c) CONTRACTS BETWEEN A HEALTH CARE FACILITY LICENSED UNDER 25-3-101, C.R.S., AND A HEALTH CARE PROVIDER; OR

(d) CONTRACTS FOR THE PROVISION OF PRODUCTS OR SERVICES THROUGH A WORKERS' COMPENSATION PROGRAM, A MEDICAID OR MEDICARE PROGRAM, THE CHILDREN'S BASIC HEALTH PLAN AS DESCRIBED IN ARTICLE 19 OF TITLE 26, C.R.S., OR THE COLORADO INDIGENT CARE PROGRAM CREATED IN PART 1 OF ARTICLE 15 OF TITLE 26, C.R.S.

**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."

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB06-215** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for terms expiring December 31, 2006:

Caroline R. Doyle of Denver, Colorado, to serve as a representative of a national or regionally recognized conservation organization whose mission is focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users, appointed;

Leslie G. White of Gunnison, Colorado, to serve as a sportsperson representative, appointed;

for terms expiring December 31, 2007:

Scott A. Hoover of Golden, Colorado, to serve as a representative of the Division of Wildlife, appointed;

Wendy J. Keefover-Ring of Broomfield, Colorado, to serve as a representative of a national or regionally recognized conservation organization whose mission is focused on

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nongame wildlife and whose membership is composed primarily of nongame wildlife users, appointed;

for terms expiring December 31, 2008:

Daniel J. Larkin of Salida, Colorado, to serve as a sportsperson representative, appointed;

Jean E. Stetson of Craig, Colorado, to serve as a representative of landowners actively engaged in agriculture, appointed;

for terms expiring December 31, 2009:

Kenneth "Mark" Smith of Center, Colorado, to serve as a representative of landowners actively engaged in agriculture, appointed;

Ron D. Velarde of Grand Junction, Colorado, to serve as a wildlife biologist at the Division of Wildlife, appointed;

for terms expiring December 31, 2010:

Denny C. Behrens of Grand Junction, Colorado, to serve as a sportsperson representative, appointed;

J. Bradford Coors of Littleton, Colorado, to serve as a sportsperson representative, appointed;

for a term expiring December 31, 2011:

Thomas L. Kenyon of Grand Junction, Colorado, to serve as a representative of the public at large, appointed.

Agriculture,  
Natural  
Resources, &  
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for a term expiring October 1, 2008:

Clair B. Orr of Kersey, Colorado, to serve as a member from the South Platte drainage basin and as a member experienced in water project funding and as a Republican, appointed;

for terms expiring October 1, 2009:

Douglas B. Monger of Hayden, Colorado, to serve as a member from the Yampa-White drainage basins and as a member experienced in the planning and developing of water projects and as a Democrat, appointed;

Ann E. Nichols of Manitou Springs, Colorado, to serve as a member from the Arkansas drainage basin and as a Republican, reappointed.

Agriculture,  
Natural  
Resources, &  
Energy

After consideration on the merits, the Committee recommends that **HB06-1337** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,  
Natural  
Resources, &  
Energy

After consideration on the merits, the Committee recommends that **HB06-1325** be referred to the Committee of the Whole with favorable recommendation.

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR06-021.

**CONSIDERATION OF RESOLUTIONS**

**SJR06-021** by Senator(s) Tapia; also Representative(s) Gallegos, Butcher--Concerning the renaming of State Highway 47 as the "Cesar Chavez Memorial Parkway".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**THIRD READING OF BILLS -- FINAL PASSAGE**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**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.

Laid over until Tuesday, April 4, retaining its place on the calendar.

**HB06-1051** by Representative(s) Witwer; also Senator(s) Sandoval--Concerning elections to recall elected officials.

Senator Sandoval was given permission to offer a Third Reading amendment on Thursday, March 30.

Third Reading Amendment No. 1(L.002), by Senator Sandoval.

Amend rerevised bill, page 4, strike lines 2 through 15.

Renumber succeeding sections accordingly.

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

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

Third Reading Amendment No. 2(L.003), by Senator Fitz-Gerald.

Amend rerevised bill, page 4, strike lines 4 through 15 and substitute the following:

**"1-12-109. Resignation.** (1) If an officer whose recall is sought offers a resignation it shall be accepted and the vacancy caused by the resignation shall be filled as provided by law. The person appointed to fill the vacancy caused by the resignation shall hold the office only until the person elected at the recall election is qualified.

(2) IF AN OFFICER WHOSE RECALL IS SOUGHT OFFERS A RESIGNATION PRIOR TO THE DATE ON WHICH THE SUFFICIENCY OF THE RECALL PETITION HAS BEEN SUSTAINED, THE RECALL ELECTION SHALL NOT BE CALLED AND THE VACANCY CAUSED BY THE RESIGNATION SHALL BE FILLED AS PROVIDED BY LAW."

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**HB06-1288** by Representative(s) Todd, Benefield, Massey, Merrifield, Penry, Solano; also Senator(s) Windels--Concerning the election of nonpartisan school directors.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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, Shaffer and Williams.

**HB06-1109** by Representative(s) King, Massey; also Senator(s) Grossman--Concerning measuring public school effectiveness.

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

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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: Boyd, Evans, Fitz-Gerald, Groff, Kester, May R., Shaffer, Teck, Tochtrop, Tupa, Veiga, Williams and Windels.

**SB06-179** by Senator(s) Isgar; also Representative(s) Penry--Concerning additional financial support for water projects.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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: Brophy, Dyer, Entz, Fitz-Gerald, Kester, Owen, Taylor, Teck and Wiens.

**SB06-063** by Senator(s) Teck, Groff, Hanna; also Representative(s) Weissmann, Liston, Marshall--Concerning the procurement of information technology systems, and making an appropriation therefor.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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, May R., Owen, Shaffer, Taylor and Tupa.

**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, authorizing the state to pursue specified remedies for vendor nonperformance, and making an appropriation.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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, Boyd, Fitz-Gerald, Grossman, Keller, Shaffer, Tochtrop, Tupa, Veiga, Williams and Windels.

**HB06-1212** by Representative(s) Boyd; also Senator(s) Veiga--Concerning authority of a pharmacist regarding emergency contraception.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	N
Evans	N	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

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

Co-sponsors added: Bacon, Boyd, Fitz-Gerald, Groff, Grossman, Isgar, Keller, Shaffer, Tochtrop, Williams and Windels.

**HB06-1357** by Representative(s) Ragsdale; also Senator(s) Isgar--Concerning a prohibition on the inspection of applications for marriage licenses.

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

Third Reading Amendment No. 1 (L.005), by Senator Isgar.

Amend revised bill, page 2, line 9, strike "SUB-SUBPARAGRAPH (B)" and substitute "SUB-SUBPARAGRAPHS (B) AND (C)".

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

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	N
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**HB06-1209** by Representative(s) Witwer, Carroll T., Crane, Harvey, Hefley, Jahn, Kerr, King, Marshall, Penry, Stafford; also Senator(s) Mitchell, Grossman--Concerning the voluntary contribution designation benefiting the Colorado special olympics fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	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: Brophy, Entz, Evans, Fitz-Gerald, Gordon, Groff, Isgar, Jones, Keller, Kester, Sandoval, Shaffer, Spence, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

**HB06-1251** by Representative(s) Green; also Senator(s) Tochtrop--Concerning a prohibition on price gouging.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

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

Co-sponsors added: Bacon, Groff, Hagedorn, Sandoval, Takis and Windels.

### MESSAGE FROM THE HOUSE

March 31, 2006

Madame President:

The House has adopted and transmits herewith HJR06-1019.

### INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

**HJR06-1019** by Representative(s) Frangas, Butcher, Gallegos, Garcia, Vigil, Coleman; also Senator(s) Sandoval, Tapia--Concerning recognition of "Cesar Chavez Day".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**GENERAL ORDERS -- SECOND READING OF BILLS --  
CONSENT CALENDAR**

**HB06-1356** by Representative(s) Judd; also Senator(s) Owen--Concerning the exemption of certain licensed professionals from the requirement to obtain a supervised lender license in order to take assignment of supervised loans in default, and, in connection therewith, specifically exempting Colorado-licensed collection agencies and attorneys from supervised lender licensing when taking assignment of supervised loans in default.

Upon request of Senator Gordon, **HB06-1356** was removed from the Consent Calendar of Friday, March 31 and placed at the end of the General Orders -- Second Reading of Bills calendar of Friday, March 31.

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

**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:

**HB06-1021** by Representative(s) Benefield; also Senator(s) Tupa--Concerning physical education teachers employed by school districts.

Amendment No. 1(L.008), by Senator Tupa.

Amend reengrossed bill, page 2, strike lines 11 and 12 and substitute the following:

"PERSON EITHER:

(a) HAS A LICENSE ENDORSEMENT FOR PHYSICAL EDUCATION ISSUED PURSUANT TO SECTION 22-60.5-106; OR

(b) IS OTHERWISE HIGHLY QUALIFIED UNDER THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", AS DETERMINED BY THE SCHOOL DISTRICT."

Page 3, line 6, strike "FIVE" and substitute "SIX".

Amendment No. 2(L.009), by Senator Taylor.

Amend reengrossed bill, page 3, line 6, strike "FIVE HUNDRED" and substitute "THREE THOUSAND".

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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 1  
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- HB06-1090** by Representative(s) Green; also Senator(s) Tupa--Concerning unlawful sexual behavior. 5  
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Laid over until Monday, April 3, retaining its place on the calendar. 7  
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- HB06-1256** by Representative(s) Buescher, Plant, Hall; also Senator(s) Keller, Tapia, Owen-- 9  
Concerning modifications to certain provisions of total compensation for employees in the 10  
state personnel system. 11  
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 13  
(Printed in Senate Journal, March 28, page 648 and placed in members' bill files.) 14  
15  
As amended, ordered revised and placed on the calendar for Third Reading and Final 16  
Passage. 17  
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- SB06-143** by Senator(s) Fitz-Gerald; also Representative(s) Madden--Concerning the statute of 19  
limitations for civil actions alleging unlawful sexual conduct. 20  
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Laid over until Monday, April 3, retaining its place on the calendar. 22  
23
- HB06-1309** by Representative(s) McGihon, Madden, Plant, Romanoff; also Senator(s) Grossman, 24  
Fitz-Gerald, Groff--Concerning increased authority to protect air quality. 25  
26  
Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 27  
(Printed in Senate Journal, March 23, page 590 and placed in members' bill files.) 28  
29  
As amended, ordered revised and placed on the calendar for Third Reading and Final 30  
Passage. 31  
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- HB06-1332** by Representative(s) McKinley; also Senator(s) Kester--Concerning the classification of Las 33  
Animas county for purposes of fixing the salaries of county officers. 34  
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Declared **lost** on Second Reading. 36  
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- HB06-1356** by Representative(s) Judd; also Senator(s) Owen--Concerning the exemption of certain 38  
licensed professionals from the requirement to obtain a supervised lender license in order to 39  
take assignment of supervised loans in default, and, in connection therewith, specifically 40  
exempting Colorado-licensed collection agencies and attorneys from supervised lender 41  
licensing when taking assignment of supervised loans in default. 42  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 44  
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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 47

On motion of Senator Veiga, the Report of the Committee of the Whole was adopted and, 48  
a majority of all members elected to the Senate having voted in the affirmative, the 49  
following action was taken: 50  
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Passed on Second Reading: HB06-1021 as amended, HB06-1256 as amended, HB06-1309 52  
as amended, HB06-1356. 53  
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Lost on Second Reading: HB06-1332. 55

Laid over until Monday, April 3: HB06-1090, SB06-143. 56  
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On motion of Senator Gordon, and with a majority of those elected to the Senate having 60  
voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's 61  
Appointments. 62  
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**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

**MEMBERS OF THE  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION**

for terms expiring July 1, 2009:

Barbara F. McKellar of Castle Rock, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed;

Patricia A. Erjavec of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, reappointed;

Preslano Montoya of Greeley, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**MEMBERS OF THE  
BOARD OF TRUSTEES FOR  
ADAMS STATE COLLEGE**

for terms expiring January 1, 2010:

Mark J. Cavanaugh of Denver, Colorado, reappointed;

Timothy L. Walters of Alamosa, Colorado, to serve as representative of Alamosa county, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**MEMBER OF THE  
STATE HOUSING BOARD**

for a term expiring January 31, 2009:

John J. Kelly of Centennial, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed.



YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

MEMBER OF THE  
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2009:

Dr. Delio D. Tamayo of Aurora, Colorado, to serve as a representative of the community at large and as a Democrat, reappointed;

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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 House Amendments to Senate Bills.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB06-121** by Senator(s) Sandoval; also Representative(s) Riesberg--Concerning surrogate decision-makers for health care benefits.

Senator Sandoval moved that the Senate concur in House amendments to **SB06-121**, as printed in House Journal, March 15, page 750. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**SB06-134** by Senator(s) Sandoval; also Representative(s) Boyd--Concerning the elimination of resource limitations as a condition of eligibility for the Colorado works program.

Senator Sandoval moved that the Senate concur in House amendments to **SB06-134**, as printed in House Journal, March 15, pages 750-751 and March 16, pages 778-779. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	N	Teck	Y		

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

Co-sponsors added: Boyd.

**SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--Concerning title 7 of the Colorado Revised Statutes.

Senator Shaffer moved that the Senate concur in House amendments to **SB06-187**, as printed in House Journal, March 22, pages 856. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**SB06-112** by Senator(s) Teck; also Representative(s) Buescher--Concerning a prohibition on increases in an insured's liability to pay for health care services due to a change in a provider's network status.

Senator Teck moved that the Senate concur in House amendments to **SB06-112**, as printed in House Journal, March 23, page 876. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**SB06-025** by Senator(s) Owen; also Representative(s) Coleman--Concerning modifications to the statute governing unlawful ownership of a dangerous dog.

Senator Owen moved that the Senate concur in House amendments to **SB06-025**, as printed in House Journal, March 23, pages 877. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	N
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	N	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**SB06-113**

by Senator(s) Shaffer, Gordon; also Representative(s) Massey, Borodkin, Crane, Penry-- Concerning a prohibition on discrimination by a life insurance company based on an insured's foreign travel.

Senator Shaffer moved that the Senate concur in House amendments to **SB06-113**, as printed in House Journal, March 23, pages 890. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	Y	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	Y		

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

**SB06-137** by Senator(s) Williams; also Representative(s) Massey--Concerning the elimination of outdated provisions of law related to the elementary and secondary education system resulting from the law's obsolescence or infrequency of use, and, in connection therewith, repealing or amending various provisions of law.

Senator Williams moved that the Senate concur in House amendments to **SB06-137**, as printed in House Journal, March 27, pages 909-910. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**SB06-062** by Senator(s) Taylor; also Representative(s) McKinley--Concerning electronic voting by certain electors who are absent from the state on election day.

Senator Taylor moved that the Senate concur in House amendments to **SB06-062**, as printed in House Journal, March 6, pages 627-628. The motion was **passed** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

Senator Groff asked to be removed as a sponsor of SB06-062.

**SB06-014** by Senator(s) Taylor, Hanna; also Representative(s) White, Coleman, Schultheis, Vigil-- Concerning the regulation of entities subject to the real estate commission.

Laid over until Monday, April 3, retaining its place on the calendar.

**APPOINTMENTS BY THE PRESIDENT**

Legislative Pursuant to Section 2-3-101, C.R.S., the President appointed Senator Isgar as a member  
Audit of the Legislative Audit Committee.

On motion of Senator Gordon, the appointment was confirmed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

**COMMITTEE OF REFERENCE REPORTS**

Appropriations After consideration on the merits, the Committee recommends that **SB06-049** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB06-173** 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 10, insert the following:

"(e) (I) NOTWITHSTANDING PARAGRAPHS (a), (b), (c), AND (d) OF THIS SUBSECTION (2), STATE OFFICERS AND EMPLOYEES SHALL BE PAID THE MILEAGE FEES PROVIDED FOR IN THIS SUBSECTION (2) THAT ARE WITHIN THE EXISTING RESOURCES OF THEIR DEPARTMENT OR AGENCY. A DEPARTMENT OR AGENCY SHALL NOT SUBMIT A REQUEST FOR A SUPPLEMENTAL APPROPRIATION FOR THIS PURPOSE UNLESS THE REQUEST IS BASED ON AN EMERGENCY.

(II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JANUARY 1, 2009."

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

Amend the Health and Human Services Committee Report, dated February 1, 2006, page 3, strike lines 19 and 20 and substitute the following:

"(b) IN FISCAL YEAR 2005-06, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIFTEEN MILLION SIXTY-TWO THOUSAND FOUR HUNDRED

EIGHT DOLLARS FROM THE GENERAL FUND TO THE FUND. IN FISCAL YEAR 2007-08 AND EACH OF THE TWO FISCAL YEARS THEREAFTER, FIFTEEN MILLION DOLLARS OF THE MONEYS IN THE";

strike line 30 and substitute the following:

"(2) (a) IN FISCAL YEAR 2006-07, AND EACH OF THE THREE FISCAL".

Page 4 of the committee report, after line 6, insert the following:

**SECTION 5. Appropriation - adjustment to the 2005 long bill.** (1) For the implementation of this act, appropriations to the department of health care policy and financing, indigent care program, the children's hospital, clinic based indigent care, for the fiscal year beginning July 1, 2005, shall be decreased by thirty million one hundred twenty-four thousand eight hundred sixteen dollars (\$30,124,816). Of said sum, fifteen million sixty-two thousand four hundred eight dollars (\$15,062,408) shall be from the general fund and fifteen million sixty-two thousand four hundred eight dollars (\$15,062,408) shall be from federal funds.

(2) In addition to any other appropriation, for the fiscal year beginning July 1, 2005, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the Colorado health care services fund, created in section 26-15-114 (1) (a), Colorado Revised Statutes, the sum of fifteen million sixty-two thousand four hundred eight dollars (\$15,062,408).

**SECTION 6. Appropriation - adjustment to the 2006 long bill.** (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The cash funds exempt appropriation for the indigent care program, safety net provider payments, is increased by two million seven hundred eleven thousand two hundred thirty-three dollars (\$2,711,233). Said sum shall be from the Colorado health care services fund, created in section 26-15-114 (1) (a), Colorado Revised Statutes.

(b) The appropriation for the indigent care program, the children's hospital, clinic based indigent care, is increased by twenty-four million seven hundred two thousand three hundred forty-nine dollars (\$24,702,349). Of said sum, twelve million three hundred fifty-one thousand one hundred seventy-five dollars (\$12,351,175) shall be from the Colorado health care services fund, created in section 26-15-114 (1) (a), Colorado Revised Statutes, and twelve million three hundred fifty-one thousand one hundred seventy-four dollars (\$12,351,174) shall be from federal funds."

Renumber succeeding section accordingly.

Page 4 of the committee report, after line 9, insert the following:

"Page 1, line 102, strike "ADULTS." and substitute "ADULTS, AND MAKING AN APPROPRIATION THEREFOR."."

Appropriations

After consideration on the merits, the Committee recommends that **SB06-122** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, before line 26, insert the following:

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the adolescent substance abuse prevention and treatment fund created in section 18-13-122 (16) (b), Colorado Revised Statutes, not otherwise

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appropriated, to the department of human services, mental health and alcohol and drug abuse services, alcohol and drug abuse division, for the fiscal year beginning July 1, 2006, the sum of fifty-five thousand nine hundred seventy-eight dollars (\$55,978), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that SB06-007 be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that SB06-206 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 12, strike "06-\_\_\_." and substitute "06-206.";

line 14, strike "S.B. 06-\_\_\_," and substitute "S.B. 06-206,";

line 21, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$174,388).";

line 26, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$209,266).";

Page 3, line 3, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$53,626).";

line 8, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute substitute "THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$392,373).";

line 12, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "ONE HUNDRED SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$117,977).";

line 17, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).";

line 21, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "TWO HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$238,636).";

line 26, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).";

Page 4, line 3, strike "\_\_\_\_\_ DOLLARS (\$ )." and substitute "THREE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$399,514).";

Page 5, line 7, strike "\_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_," and substitute "ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS PURSUANT TO S.B. 06-206,";

line 15, strike "\_\_\_\_\_";

line 16, strike "DOLLARS PURSUANT TO S.B. 06-\_\_\_," and substitute "TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS PURSUANT TO S.B. 06-206,";

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Appropriations

- line 20, strike " \_\_\_\_\_ DOLLARS PURSUANT TO"; 1
- line 21, strike "S.B. 06-\_\_\_\_," and substitute "THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS PURSUANT TO S.B. 06-206,"; 2  
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- line 23, strike " \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-206,"; 7  
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- line 26, strike " \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-206,". 11  
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- After consideration on the merits, the Committee recommends that **SB06-207** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 16  
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- Amend printed bill, page 3, line 1, strike "**06-\_\_\_\_.**" and substitute "**06-207.**"; 20  
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- line 3, strike "S.B. 06-\_\_\_\_," and substitute "S.B. 06-207,"; 23  
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- line 10, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$174,388)."; 25  
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- line 15, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$209,266)."; 29  
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- line 19, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$53,626)."; 32  
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- line 24, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$392,373)."; 35  
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- Page 4, line 1, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "ONE HUNDRED SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$117,977)."; 39  
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- line 6, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164)."; 43  
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- line 10, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "TWO HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$238,636)."; 47  
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- line 15, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164)."; 51  
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- line 19, strike " \_\_\_\_\_ DOLLARS (\$ )." and substitute "THREE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$399,514)."; 55  
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- Page 5, line 23, strike " \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS PURSUANT TO S.B. 06-207,". 59  
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- Page 6, line 4, strike " \_\_\_\_\_ "; 63  
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- line 5, strike "DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS PURSUANT TO S.B. 06-207,"; 65  
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- line 9, strike " \_\_\_\_\_ DOLLARS PURSUANT TO"; 69

line 10, strike "S.B. 06-\_\_\_\_," and substitute "THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS PURSUANT TO S.B. 06-207,";

line 12, strike "\_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-207,";

line 15, strike "\_\_\_\_\_ DOLLARS PURSUANT TO S.B. 06-\_\_\_\_," and substitute "FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-207,".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-085** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **SB06-045** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 10, after line 15, insert the following:

**SECTION 7. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of human services, division of child care, for the fiscal year beginning July 1, 2006, out of the child care licensing cash fund created in section 26-6-105 (4), Colorado Revised Statutes, the sum of thirty-seven thousand one hundred thirty-four dollars (\$37,134) cash funds and 1.0 FTE, or so much thereof as may be necessary, for implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, Colorado bureau of investigation, for the Colorado crime information center, for the fiscal year beginning July 1, 2006, the sum of one hundred eighty-two ninety-nine dollars (\$182,099) and 2.0 FTE, or so much thereof as may be necessary, for fingerprint processing services related to the implementation of this act. Of said sum, one hundred thirty-four thousand five hundred seventy-nine dollars (\$134,579) shall be cash funds from fingerprint and name check processing fees collected by the department, and forty-seven thousand five hundred twenty dollars (\$47,520) shall be cash funds exempt from fingerprint and name check processing fees collected by the department for transmittal to the federal bureau of investigation."

Renumber succeeding section accordingly.

Page 1, line 101, strike "**PROVIDERS.**" and substitute "**PROVIDERS, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-059** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee report, dated January 26, 2006, page 2, line 7, strike "general fund exempt account of the".

Page 2 of the Committee Report, after line 13, insert the following:

"Page 1, line 101, strike "**PROGRAMS.**" and substitute "**PROGRAMS, AND MAKING AN APPROPRIATION THEREFOR.**"."

Appropriations

After consideration on the merits, the Committee recommends that **SB06-141** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, line 15, after the period, add ""FACILITY"

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SHALL NOT INCLUDE ANY STATE-OWNED MENTAL HEALTH INSTITUTE OR ANY GENERAL HOSPITAL THAT IS OUTSIDE OF A METROPOLITAN STATISTICAL AREA, AS DEFINED BY UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, AND THAT IS NOT PART OF A PARENT SYSTEM."

Page 21, after line 1, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the health facilities general licensure cash fund created in section 25-3-103.1 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, health facilities and emergency medical services division, for the fiscal year beginning July 1, 2006, the sum of four hundred sixty-five thousand thirty-one dollars (\$465,031) and 6.6 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, strike line 102 and substitute "ACT", AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **HB06-1377** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

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

Amend the Education Committee Report dated February 1, 2006, page 3, strike line 15 and substitute the following:

"strike lines 10 through 16 and substitute the following:

"SECTION 2. 2-3-1203 (3) (w), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**2-3-1203. Sunset review of advisory committee.** (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(w) July 1, 2010:

(V) THE P-16 COUNCIL CREATED IN SECTION 22-88-104, C.R.S.

**SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2005, the sum of six thousand seven hundred nineteen dollars (\$6,719) and 0.1 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, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2006, the sum of twenty thousand one hundred fifty-six dollars (\$20,156) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Amend printed bill, page 1, line 104, strike "COUNCIL." and substitute "COUNCIL, AND MAKING AN APPROPRIATION."

Education

After consideration on the merits, the Committee recommends that **HB06-1065** be postponed indefinitely.

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:

**MEMBER OF THE  
PRIVATE OCCUPATIONAL SCHOOL BOARD**

for a term expiring July 1, 2006:

Earl F. Douglass of Lakewood, Colorado, to serve as a member employed by a lending institution located in Colorado, appointed.

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**MESSAGE FROM THE HOUSE**

March 31, 2006  
Madame President:

The House has adopted and returns herewith SJR06-021.

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**SENATE SERVICES REPORT**

**Correctly Printed:** SB06-224, and 225.  
**Correctly Engrossed:** SJR06-063, 064, and 179.  
**Correctly Revised:** HB06-1109, 1209, 1212, 1251, 1288, and 1357.  
**Correctly Rerevised:** HB06-1271.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SR06-005.

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 31 was laid over until Monday, April 3, retaining its place on the calendar.

Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-022, SJR06-023.  
Consideration of Memorials: SJM06-001.  
Consideration of Governor's Appointments:  
Members of the Read-To-Achieve Board.  
Consideration of Conference Committee Reports: HB06-1159.  
Conference Committee to Report: SB06-145.

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**COMMITTEE OF REFERENCE REPORTS**

Appropriations

After consideration on the merits, the Committee recommends that **SB06-138** 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 March 2, 2006, page 1, line 15, strike "FIVE" and substitute "FIFTY";

line 16, strike "TERMINALS, REFINERIES," and substitute "DISTRIBUTORS";

line 18, strike "EVERY TERMINAL," and substitute "DISTRIBUTORS".

Page 2, line 1, strike "REFINERY, AND" and substitute "AND ANY";

line 2, strike "COLORADO DEPARTMENT OF REVENUE," and substitute "DEPARTMENT,";

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line 3, strike "COLORADO DEPARTMENT OF REVENUE," and substitute "DEPARTMENT,";

strike lines 7 through 10.

Renumber succeeding subsections accordingly.

Page 2, line 11, strike "COLORADO DEPARTMENT OF REVENUE" and substitute "DEPARTMENT";

line 12, strike "REFINERIES, TERMINALS, AND" and substitute "DISTRIBUTORS AND ANY";

line 14, strike "ETHANOL" and substitute "E10 FUEL";

line 16, strike "COLORADO DEPARTMENT OF REVENUE" and substitute "DEPARTMENT";

line 17, strike "ESTABLISH FINES FOR VIOLATIONS" and substitute "IMPLEMENT THIS SECTION.";

strike line 18 and substitute the following:

"(7) DISTRIBUTORS AND ENTITIES SHALL HOLD, STORE, IMPORT, TRANSFER, AND OFFER FOR SALE OR USE UNLEADED PREMIUM GRADE GASOLINE THAT HAS AN ANTIKNOCK INDEX NUMBER OF 91 OR GREATER AND THAT DOES NOT CONTAIN ETHANOL, TO BE DISPENSED AT AN AIRPORT."

Renumber succeeding sections accordingly.

Page 3, after line 4, insert the following:

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of labor, for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2006, the sum of seventy-three thousand sixty-six dollars (\$73,066) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act."

line 5, strike "SECTION 2." and substitute "SECTION 3.";

line 7, strike "SECTION 3." and substitute "SECTION 4.";

after line 9, insert the following:

"Page 1, line 102, strike "VOLUME." and substitute "VOLUME, AND MAKING AN APPROPRIATION THEREFOR."."

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**TRIBUTES**

Honoring:

David W. Higuera -- by Senator Teck.

Robert & Dorothy Pine -- Senators Tupa, Fitz-Gerald, and Shaffer & Representatives Plant, Madden, Pommer and Weissmann.

Amy McGuire, Emily Thayer, Hally Turner, Jennifer Hennessy, Jessica Sweeny, Lindsay McNicholas, Tricia Warin, Robin Richardson, Sarah McCall, Marissa Chaney -  
- by Senator Williams & Representative Solano.

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On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, April 3, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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