

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

79th Legislative Day

Thursday, March 30, 2006

Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	11
Pledge	By Senator Keller.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--33. Excused--2; Groff, Grossman. Present later--Groff, Grossman.	18 19 20
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Traylor, reading of the Journal of March 29, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	24 25

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB06-1201 be referred to the Committee on <u>Finance</u> with favorable recommendation.	32 33 34 35 36 37
Health & Human Services	After consideration on the merits, the Committee recommends that SB06-001 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	38 39 40 41
	Amend printed bill, page 3, line 14, strike "to begin".	42
	Page 6, line 20, strike "AND";	44
	line 23, strike "C.R.S." and substitute "C.R.S.; AND	46
	(c) DOES NOT HAVE EMPLOYER PROVIDED HEALTH INSURANCE COVERAGE, UNLESS THE ONLY COVERAGE OFFERED IS A HIGH DEDUCTIBLE HEALTH INSURANCE PLAN."	48 49 50
	Page 9, line 15, strike "THE" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, THE".	52 53
	Page 10, line 5, strike "SECRET." and substitute "SECRET, AND SUCH DESIGNATION SHALL BE SUBJECT TO REVIEW BY A COURT OF COMPETENT JURISDICTION. THE COURT SHALL MAKE A DETERMINATION OF WHETHER THE INFORMATION QUALIFIES AS TRADE SECRET INFORMATION AFTER AN IN-CAMERA REVIEW."	55 56 57 58 59
	Page 11, strike lines 16 through 27 and substitute the following:	61
	"SECTION 4. Effective date. This act shall take effect July 1, 2006.	63 64
	SECTION 5. Safety clause. The general assembly hereby finds,	66

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determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Strike page 12.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SR06-008** be postponed indefinitely.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB06-1161** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, after line 9, insert the following:

"(1) "AFFILIATE" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY, THROUGH INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR IS UNDER THE COMMON CONTROL OF ANOTHER PERSON ADDRESSED BY THIS PART 9."

Renumber succeeding subsections accordingly.

Page 12, after line 10, insert the following:

"(4) A VIOLATION OF THIS PART 9 SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF ANY MORTGAGE."

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB06-211** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 27, insert the following:

"(5) THE PROVISIONS OF SECTION 39-22-108 (3), (4), AND (5) SHALL APPLY TO THIS SECTION."

Education

After consideration on the merits, the Committee recommends that **HB06-1008** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 8, line 4, strike "2009." and substitute "2007."

Education

After consideration on the merits, the Committee recommends that **HB06-1046** be referred to the Committee on Appropriations with favorable recommendation.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB06-224

by Senator(s) Traylor, Grossman, Tupa; also Representative(s) Harvey, Carroll T.-- Concerning event data recorded as a motor vehicle feature. Transportation

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MESSAGE FROM THE HOUSE

March 29, 2006
Madame President:

In response to the request of the Senate, the Speaker has appointed Representatives McCluskey, chairman, Frangas, and Jahn as House conferees on the First Conference Committee on SB06-145.

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 Friday, March 31, retaining its place on the calendar.

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

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

Laid over until Friday, March 31, retaining its place on the calendar.

HB06-1275 by Representative(s) McKinley, Butcher, Gallegos, Gardner; also Senator(s) Brophy--Concerning the determination of the actual value for property tax purposes of property used to generate electricity from wind.

Laid over until Thursday, April 6, retaining its place on the calendar.

HB06-1271 by Representative(s) Jahn; also Senator(s) Johnson--Concerning types of specialized foster care.

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: Boyd, Keller, Shaffer, Tochtrop, Traylor, 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 (HB06-1356) of March 30 was laid over until Friday, March 31, retaining its place on the calendar.

Committee of the Whole
On motion of Senator Boyd, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator 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:

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 24, pages 616-617 and placed in members' bill files.)

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

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 24, pages 618-619 and placed in members' bill files.)

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

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

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, February 20, page 270 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 17, pages 530-531 and placed in members' bill files.)

Amendment No. 3(L.006), by Senator Grossman.

Amend printed bill, page 3, line 11, strike "ACCOUNT." and substitute "ACCOUNT; EXCEPT THAT THE UNENCUMBERED AND UNEXPENDED BALANCE OF THE ACCOUNT SHALL REVERT ON JUNE 30, 2010, TO THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND."

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 10, pages 469-470 and placed in members' bill files.)

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

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

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state contract work to be performed outside the state, establishing procedures for monitoring vendor performance, and authorizing the state to pursue specified remedies for vendor nonperformance.

Amendment No. 1, State, Veteran & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 10, pages 165-167 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 10, pages 464-465 and placed in members' bill files.)

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

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

SECTION 1. 24-101-301 (10), Colorado Revised Statutes, is amended to read:

24-101-301. Definitions. The terms defined in this section shall have the following meanings whenever they appear in this code, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular article or portion thereof:

(10) "Governmental body" means any department, commission, council, board, bureau, committee, institution of higher education, agency, government corporation, or other establishment or official, other than an elected official, of the executive branch of state government in this state ~~except that the~~ INCLUDING, WITHOUT LIMITATION, THE governing board of each institution of higher education ~~by formal action of the board;~~ and the Colorado commission on higher education. ~~by formal action of the commission, may elect to be excluded from the meaning of "governmental body".~~

SECTION 2. Part 2 of article 102 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

24-102-205. Centralized contract management system - personal services contracts - legislative declaration. (1) IN ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO ESTABLISH A POLICY OF OPEN COMPETITION FOR PERSONAL SERVICES CONTRACTS UNLESS THE COMPETITION IS SPECIFICALLY EXEMPTED UNDER THIS SECTION. IN ENACTING THIS SECTION, THE GENERAL ASSEMBLY FURTHER INTENDS TO PROVIDE FOR LEGISLATIVE AND EXECUTIVE REVIEW OF ALL PERSONAL SERVICES CONTRACTS ENTERED INTO BY GOVERNMENTAL BODIES, TO CENTRALIZE THE LOCATION OF INFORMATION ABOUT PERSONAL SERVICES CONTRACTS FOR THE PURPOSE OF FACILITATING PUBLIC REVIEW OF SUCH CONTRACTS, AND TO ENSURE THE PROPER ACCOUNTING OF EXPENDITURES FOR PERSONAL SERVICES.

(2) (a) THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ANY PERSONAL SERVICES CONTRACT TO WHICH THE STATE IS A PARTY WITH THE EXCEPTION OF ANY CONTRACT TO WHICH THE STATE IS A PARTY UNDER THE "COLORADO MEDICAL ASSISTANCE ACT," ARTICLE 4 OF TITLE 26, C.R.S.

(b) FOR PURPOSES OF THIS SECTION, "GOVERNMENTAL BODY" SHALL HAVE THE SAME MEANING AS SPECIFIED IN SECTION 24-101-301 (10); EXCEPT THAT, FOR PURPOSES OF THIS SECTION, GOVERNMENTAL BODY SHALL ALSO INCLUDE ELECTED OFFICIALS, THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, AND THE COLORADO COMMISSION ON HIGHER EDUCATION.

(3) (a) THE DEPARTMENT SHALL IMPLEMENT AND MAINTAIN A CENTRALIZED CONTRACT MANAGEMENT SYSTEM FOR THE PURPOSE OF MONITORING ALL PERSONAL SERVICES CONTRACTS ENTERED INTO BY A GOVERNMENTAL BODY THAT ARE SUBJECT TO THE REQUIREMENTS OF THIS SECTION. WITH RESPECT TO EACH PERSONAL SERVICES CONTRACT

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ENTERED INTO BY A GOVERNMENTAL BODY, INFORMATION CONTAINED IN THE SYSTEM SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING:

(I) THE GOVERNMENTAL BODY THAT HAS ENTERED INTO THE PERSONAL SERVICES CONTRACT;

(II) THE PERSONS OR ENTITIES WITH WHICH THE GOVERNMENTAL BODY IS CONTRACTING;

(III) THE DURATION AND NUMBER OF POSITIONS ON THE STATE PAYROLL CREATED DIRECTLY OR INDIRECTLY AS A RESULT OF ANY PERSONAL SERVICES CONTRACT;

(IV) THE PURPOSE OF THE PERSONAL SERVICES CONTRACT;

(V) THE EFFECTIVE DATES, PERIODS OF PERFORMANCE, AND ANY RENEWAL TERMS OF THE PERSONAL SERVICES CONTRACT;

(VI) THE VENDOR SELECTION METHOD UPON WHICH THE PERSONAL SERVICES CONTRACT WAS AWARDED, WHETHER COMPETITIVELY PROCURED, AWARDED ON A SOLE-SOURCE BASIS, OR OTHERWISE. WHERE THE CONTRACT HAS BEEN AWARDED ON A SOLE-SOURCE BASIS, THE GOVERNMENTAL BODY SHALL CERTIFY THAT THE GOVERNMENTAL BODY HAS FOLLOWED THE REQUIREMENTS OF SUBSECTION (6) OF THIS SECTION.

(VII) THE TOTAL VALUE OF THE PERSONAL SERVICES CONTRACT AND ANY AMENDMENTS TO THE CONTRACT;

(VIII) IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (6) OF THIS SECTION, AN EVALUATION FOLLOWING COMPLETION OF THE PERSONAL SERVICES CONTRACT THAT MEASURES THE VENDOR'S PERFORMANCE IN MEETING CONTRACTUAL REQUIREMENTS RELATING TO QUALITY, COST, AND DEADLINES;

(IX) WHETHER ANY SERVICES UNDER THE CONTRACT, OR ANY SUBCONTRACTS TO THE CONTRACT, ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE UNITED STATES OR THE STATE OF COLORADO AS DISCLOSED IN THE STATEMENT OF WORK PURSUANT TO SECTION 24-102-206 AND THE VENDOR'S JUSTIFICATION FOR OBTAINING SERVICES OUTSIDE THE UNITED STATES OR THE STATE OF COLORADO IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-102-206.

(X) UPON COMPLETION OF THE PERSONAL SERVICES CONTRACT, THE EXTENT AS DISCLOSED BY THE VENDOR TO WHICH ANY SERVICES UNDER THE CONTRACT, OR ANY SUBCONTRACTS TO THE CONTRACT, WERE PERFORMED OUTSIDE THE UNITED STATES OR THE STATE OF COLORADO.

(b) THE SYSTEM REQUIRED TO BE MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE A PUBLICLY AVAILABLE DATABASE OF ALL PERSONAL SERVICES CONTRACTS ENTERED INTO BY ALL GOVERNMENTAL BODIES, ACCESSIBLE FROM THE WEBSITE MAINTAINED BY THE STATE. INFORMATION CONCERNING CONTRACTS CONTAINED IN THE DATABASE AND ACCESSIBLE ON THE WEBSITE SHALL BE SEARCHABLE BY CRITERIA ENUMERATED IN SUBPARAGRAPHS (I) TO (X) OF PARAGRAPH (a) OF THIS SUBSECTION (3). INFORMATION IN THE DATABASE SHALL BE EITHER PRESENTED IN PLAIN AND NONTECHNICAL LANGUAGE OR BY MEANS OF KEY TERMS THAT ARE CLEARLY AND EASILY DEFINED.

(c) THE SYSTEM REQUIRED TO BE MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL ALSO IDENTIFY THE NUMBER OF EMPLOYMENT POSITIONS TO BE FILLED UNDER ANY PERSONAL SERVICES CONTRACT THAT HAD PREVIOUSLY BEEN PERFORMED BY CLASSIFIED CIVIL SERVICE EMPLOYEES, IN ADDITION TO THE TOTAL NUMBER OF POSITIONS, IF ANY, ELIMINATED BY THE CONTRACT; AND, IN THE CASE OF ANY CONTRACT THAT IS MORE THAN ONE YEAR IN DURATION, THE COST SAVINGS, IF ANY, AND QUALITY IMPROVEMENTS, IF ANY, REALIZED BY THE STATE AS A RESULT OF THE CONTRACT.

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(d) ANY NEW PERSONAL SERVICES CONTRACTS SUBJECT TO THE REQUIREMENTS OF THIS SECTION SHALL BE ADDED TO THE SYSTEM MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SIXTY DAYS AFTER THE EXECUTION OF THE CONTRACT.

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(4) THE SYSTEM REQUIRED TO BE MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION SHALL INCLUDE INFORMATION CONCERNING PERSONAL SERVICES EXPENDITURES BY GOVERNMENTAL BODY AND BY TYPE OF SERVICES. THE TYPE OF SERVICES THAT MAY BE DESIGNATED SHALL INCLUDE, WITHOUT LIMITATION, PROFESSIONAL TECHNICAL, NONPROFESSIONAL SUPPORT, PURCHASED SERVICES, ARCHITECTURAL, ENGINEERING AND CONSTRUCTION TRADES, AND PROFESSIONAL EQUIPMENT REPAIR.

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(5) PRIOR TO ENTERING INTO A SOLE-SOURCE PERSONAL SERVICES CONTRACT, THE GOVERNMENTAL BODY SHALL ATTEMPT TO IDENTIFY COMPETING VENDORS BY PLACING A NOTICE ON THE STATE'S BID NOTIFICATION WEBSITE FOR NOT LESS THAN THREE BUSINESS DAYS. IF THE GOVERNMENTAL BODY RECEIVES NOT LESS THAN TWO RESPONSES TO THE NOTICE FROM QUALIFIED AND RESPONSIBLE VENDORS THAT ARE ABLE TO MEET THE SPECIFICATIONS IDENTIFIED IN THE NOTICE AND THAT ARE NOT OTHERWISE PROHIBITED FROM BIDDING ON THE CONTRACT, THE SOLE-SOURCE SELECTION METHOD SHALL NOT BE USED.

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(6) UPON THE COMPLETION OF EACH PERSONAL SERVICES CONTRACT, THE GOVERNMENTAL BODY THAT WAS A PARTY TO THE CONTRACT SHALL PERFORM AN EVALUATION OF THE VENDOR THAT PERFORMED THE CONTRACT, WHICH EVALUATION SHALL BE ADDED TO THE SYSTEM MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION. THE EVALUATION SHALL BECOME PUBLICLY AVAILABLE THIRTY DAYS AFTER COMPLETION OF THE CONTRACT. THE EVALUATION SHALL MEASURE, WITHOUT LIMITATION, THE PERFORMANCE OF THE VENDOR IN MEETING CONTRACTUAL REQUIREMENTS RELATING TO QUALITY, COST, AND DEADLINES. IF THE VENDOR DISPUTES ANY INFORMATION CONTAINED IN THE EVALUATION, THE VENDOR MAY EXERCISE ANY OF THE RIGHTS TO PROTEST OR APPEAL SPECIFIED IN ARTICLE 109 OF THIS TITLE. THE VENDOR'S SOLE REMEDY IN CONTESTING AN EVALUATION SHALL BE REMOVAL OR CORRECTION OF THE INFORMATION CONTAINED IN THE SYSTEM.

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(7) (a) COMMENCING ON SEPTEMBER 30, 2006, UNTIL SUCH TIME AS THE DEVELOPMENT OF THE SYSTEM CREATED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION IS COMPLETE, THE DEPARTMENT SHALL PROVIDE REPORTS ON A QUARTERLY BASIS TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING THE STATUS OF THE DEVELOPMENT OF THE SYSTEM.

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(b) THE DEPARTMENT SHALL ANNUALLY REPORT INFORMATION ON PERSONAL SERVICES CONTRACTS CONTAINED IN THE SYSTEM CREATED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION TO THE STANDING LEGISLATIVE COMMITTEES OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY WITH OVERSIGHT RESPONSIBILITIES OVER THE DEPARTMENT'S AFFAIRS.

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(c) WITH RESPECT TO ANY SOLE-SOURCE CONTRACT IDENTIFIED IN THE SYSTEM REQUIRED TO BE MAINTAINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL ANNUALLY SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING ANY NEW SOLE-SOURCE CONTRACT ENTERED INTO BY THE STATE DURING THE PRIOR CALENDAR YEAR. EACH REPORT SHALL DESCRIBE, WITHOUT LIMITATION, THE FOLLOWING:

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(I) THE NUMBER AND AGGREGATE VALUE OF THE SOLE-SOURCE CONTRACTS FOR EACH CATEGORY OF SERVICES SPECIFIED IN SUBSECTION (4) OF THIS SECTION; AND

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(II) THE JUSTIFICATION PROVIDED BY THE GOVERNMENTAL BODY FOR THE USE OF THE SOLE-SOURCE CONTRACT.

24-102-206. Contract performance outside the United States or Colorado. PRIOR TO CONTRACTING OR AS A REQUIREMENT FOR THE SOLICITATION OF ANY CONTRACT FROM THE STATE FOR SERVICES, AS APPROPRIATE, ANY PROSPECTIVE VENDOR SHALL DISCLOSE IN A STATEMENT OF WORK WHERE SERVICES WILL BE PERFORMED UNDER THE CONTRACT, INCLUDING ANY SUBCONTRACTS, AND WHETHER ANY SERVICES UNDER THE CONTRACT OR ANY SUBCONTRACTS ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE UNITED STATES OR COLORADO. IF THE PROSPECTIVE VENDOR ANTICIPATES SERVICES UNDER THE CONTRACT OR ANY SUBCONTRACTS WILL BE PERFORMED OUTSIDE THE UNITED STATES OR COLORADO, THE VENDOR SHALL PROVIDE IN ITS STATEMENT OF WORK A PROVISION SETTING FORTH WHY IT IS NECESSARY OR ADVANTAGEOUS TO GO OUTSIDE THE UNITED STATES OR COLORADO TO PERFORM THE CONTRACT OR ANY SUBCONTRACTS.

SECTION 3. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 103.5
Contract Performance**

24-103.5-101. Monitoring of vendor performance. (1) EACH PERSONAL SERVICES CONTRACT ENTERED INTO PURSUANT TO THIS CODE WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS OR MORE SHALL CONTAIN:

(a) PERFORMANCE MEASURES AND STANDARDS DEVELOPED BY THE GOVERNMENTAL BODY ADMINISTERING THE CONTRACT SPECIFICALLY FOR THE CONTRACT. THE PERFORMANCE MEASURES AND STANDARDS SHALL BE NEGOTIATED BY THE GOVERNMENTAL BODY AND THE VENDOR PRIOR TO EXECUTION OF THE CONTRACT AND SHALL BE INCORPORATED INTO THE CONTRACT. THE MEASURES AND STANDARDS SHALL BE USED BY THE GOVERNMENTAL BODY TO EVALUATE THE SERVICES PROVIDED TO THE GOVERNMENTAL BODY AND THE OUTCOMES RESULTING FROM THOSE SERVICES.

(b) AN ACCOUNTABILITY SECTION THAT REQUIRES THE VENDOR TO REPORT REGULARLY ON ITS ACHIEVEMENT OF THE PERFORMANCE MEASURES AND STANDARDS SPECIFIED IN THE CONTRACT AND THAT ALLOWS THE GOVERNMENTAL BODY TO WITHHOLD PAYMENT UNTIL SUCCESSFUL COMPLETION OF ALL OR PART OF THE CONTRACT AND THE ACHIEVEMENT OF ESTABLISHED PERFORMANCE STANDARDS.

(c) MONITORING REQUIREMENTS THAT SPECIFY HOW THE GOVERNMENTAL BODY WILL EVALUATE THE VENDOR'S PERFORMANCE, INCLUDING PROGRESS REPORTS, SITE VISITS, INSPECTIONS, AND REVIEWS OF PERFORMANCE DATA. THE GOVERNMENTAL BODY SHALL USE ONE OR MORE MONITORING PROCESSES TO ENSURE THAT THE RESULTS, OBJECTIVES, AND OBLIGATIONS OF THE CONTRACT ARE MET.

(d) METHODS AND MECHANISMS TO RESOLVE ANY SITUATION IN WHICH THE GOVERNMENTAL BODY'S MONITORING ASSESSMENT DETERMINES NONCOMPLIANCE, WHICH MECHANISMS SHALL INCLUDE TERMINATION OF THE CONTRACT; AND

(e) PROVISIONS THAT PROVIDE ACCESS TO ALL VENDOR RECORDS NECESSARY TO UNDERTAKE A PROPERLY AUTHORIZED AUDIT, EXAMINATION, OR INVESTIGATION.

(2) EACH GOVERNMENTAL BODY ADMINISTERING THE CONTRACT SHALL, WITHIN EXISTING RESOURCES OF THE GOVERNMENTAL BODY, DESIGNATE AT LEAST ONE PERSON WITHIN THE GOVERNMENTAL BODY RESPONSIBLE FOR MONITORING WHETHER THE CRITERIA DESCRIBED IN SUBSECTION (1) OF THIS SECTION HAVE BEEN MET, WHETHER AND TO WHAT EXTENT THE CONTRACT WAS COMPLETED ACCORDING TO THE PERFORMANCE SCHEDULE SPECIFIED IN THE CONTRACT, SATISFACTION OF

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THE SCOPE OF THE VENDOR'S WORK AS SPECIFIED IN THE CONTRACT, AND WHETHER AND TO WHAT EXTENT THE VENDOR MET OR EXCEEDED BUDGETARY REQUIREMENTS UNDER THE CONTRACT.

(3) BEFORE THE GOVERNMENTAL BODY MAY ENTER INTO A CONTRACT, THE PERSON SELECTED IN SUBSECTION (2) OF THIS SECTION SHALL CERTIFY THAT THE PROPOSED PERFORMANCE MEASURES AND STANDARDS, DATA SOURCES, AND DATA COLLECTION METHODS PROVIDE A VALID BASIS FOR ASSESSING THE VENDOR'S PERFORMANCE.

(4) IN THE CASE OF A MULTI-YEAR CONTRACT, THE GOVERNMENTAL BODY SHALL ANNUALLY CERTIFY WHETHER THE VENDOR ON ANY CONTRACT IS COMPLYING WITH THE TERMS OF THE CONTRACT. IF THE GOVERNMENTAL BODY DETERMINES THAT THE VENDOR HAS NOT COMPLIED WITH THE CONTRACT TERMS, INCLUDING BUT NOT LIMITED TO PERFORMANCE STANDARDS AND MEASURABLE OUTCOMES, THE STATE SHALL BE ENTITLED TO ANY REMEDY AVAILABLE UNDER LAW IN THE CASE OF CONTRACT NONPERFORMANCE, INCLUDING BUT NOT LIMITED TO TERMINATION OF THE CONTRACT AND THE RETURN OF ANY AND ALL PAYMENTS MADE TO THE VENDOR BY THE STATE UNDER THE CONTRACT; EXCEPT THAT THE RECOVERY OF ANY MONEYS BY THE STATE SHALL BE REDUCED BY THE VALUE OF ANY CONTRACTUAL BENEFITS REALIZED BY THE STATE FROM PARTIAL PERFORMANCE BY THE VENDOR UNDER THE CONTRACT. IF A VENDOR IS DEEMED TO BE IN DEFAULT UNDER ANY ONE PARTICULAR CONTRACT WITH THE STATE, THE STATE MAY, IN ITS SOLE DISCRETION, DECLARE ANY OR ALL OTHER CONTRACTS IT HAS ENTERED INTO WITH THE VENDOR TO BE IN DEFAULT.

(5) THE SYSTEM REQUIRED BY SECTION 24-102-205 (3) (a) SHALL INCLUDE SUCH INFORMATION AS WILL ALLOW THE EXECUTIVE DIRECTOR AND GOVERNMENTAL BODIES TO EVALUATE THE PRIOR RECORD OF A PARTICULAR VENDOR IN MEETING PERFORMANCE MEASURES AND STANDARDS UNDER PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IN CONNECTION WITH A CONTRACT TO WHICH IT HAS BEEN A PARTY. IN THE EVENT A PARTICULAR VENDOR DEMONSTRATES A GROSS FAILURE TO MEET SUCH PERFORMANCE MEASURES AND STANDARDS IN CONNECTION WITH ONE OR MORE CONTRACTS TO WHICH IT HAS BEEN A PARTY, THE EXECUTIVE DIRECTOR, IN THE EXERCISE OF HIS OR HER DISCRETION, MAY REMOVE THE NAME OF THE VENDOR FROM THE DATABASE AND PROHIBIT THE VENDOR FROM BIDDING ON FUTURE CONTRACTS. UPON A SHOWING OF GOOD CAUSE, THE EXECUTIVE DIRECTOR MAY REINSTATE THE NAME OF THE VENDOR TO THE DATABASE. IF A VENDOR DISPUTES THE REMOVAL OF ITS NAME FROM THE DATABASE OR THE PROHIBITION OF THE VENDOR FROM BIDDING ON FUTURE CONTRACTS, THE VENDOR MAY EXERCISE ANY OF THE RIGHTS TO PROTEST OR APPEAL SPECIFIED IN ARTICLE 109 OF THIS TITLE. THE VENDOR'S SOLE REMEDY IN CONTESTING SUCH REMOVAL OR PROHIBITION SHALL BE REINSTATEMENT OF THE VENDOR'S NAME IN THE DATABASE AND AUTHORIZATION FOR THE VENDOR TO BID ON FUTURE CONTRACTS.

SECTION 4. Part 1 of article 105 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-105-102. Performance evaluation reports - definitions.

(1) (a) IN THE CASE OF EACH CONSTRUCTION CONTRACT WITH A VALUE OF FIVE HUNDRED THOUSAND DOLLARS OR MORE, THE GOVERNMENTAL BODY SHALL PREPARE, PRIOR TO COMPLETION OF THE CONTRACT, A CONTRACTOR PERFORMANCE EVALUATION REPORT, WHICH SHALL BE COMPLETED ON A FORM PROVIDED BY THE DEPARTMENT.

(b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "REPORT" MEANS A CONTRACTOR PERFORMANCE EVALUATION REPORT REQUIRED BY THIS SECTION.

(2) EACH REPORT SHALL EVALUATE THE CONTRACTOR'S PERFORMANCE ON A PARTICULAR PROJECT AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

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(a) THE NAME OF THE GOVERNMENTAL BODY, THE NAME OF THE PARTICULAR PROJECT AND ANY APPLICABLE CONTRACT NUMBER, THE TYPE OF PROCUREMENT METHOD USED FOR AWARDED THE CONTRACT, AND THE NAME OF THE EMPLOYEE WITHIN THE GOVERNMENTAL BODY RESPONSIBLE FOR COMPLETING THE REPORT;

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(b) THE INITIAL AMOUNT BUDGETED FOR COMPLETION OF THE CONTRACT AND THE FINAL AMOUNT PAID BY THE GOVERNMENTAL BODY UPON COMPLETION OF THE CONTRACT;

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(c) THE INITIAL COMPLETION DATE AS SPECIFIED IN THE CONTRACT AND THE DATE ON WHICH THE CONTRACT WAS ACTUALLY COMPLETED;

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(d) A NUMERICAL RATING THAT ASSESSES THE CONTRACTOR'S OVERALL QUALITATIVE PERFORMANCE IN CONNECTION WITH THE CONTRACT; AND

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(e) A NUMERICAL RATING THAT ASSESSES THE CONTRACTOR'S OVERALL SAFETY PERFORMANCE IN CONNECTION WITH THE CONTRACT.

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(3) EACH REPORT SHALL BE KEPT ON FILE BY THE GOVERNMENTAL BODY AND SHALL BE FORWARDED, WITHIN THIRTY DAYS OF THE DATE ON WHICH THE REPORT IS COMPLETED, TO A CENTRAL DATABASE MANAGED BY THE DEPARTMENT. EACH REPORT SHALL BE MAINTAINED IN THE DATABASE FOR AT LEAST FIVE YEARS AFTER BEING FORWARDED TO THE DATABASE.

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(4) EACH GOVERNMENTAL BODY SHALL ESTABLISH APPROPRIATE PROCEDURES TO ENSURE THAT EACH REPORT RELATING TO A PROSPECTIVE CONTRACTOR IS REVIEWED BY THE GOVERNMENTAL BODY PRIOR TO THE GOVERNMENTAL BODY MAKING ANY FUTURE CONTRACT AWARDS, REGARDLESS OF THE PROCUREMENT METHOD USED. THE REVIEW REQUIRED BY THIS SUBSECTION (4) SHALL BE UNDERTAKEN TO ENSURE THAT PROSPECTIVE CONTRACTORS MEET APPLICABLE CONTRACTOR RESPONSIBILITY STANDARDS AND ALSO TO ENABLE THE GOVERNMENTAL BODY TO ASSESS CONTRACTOR QUALIFICATIONS AND CAPABILITIES FOR PURPOSES OF COMPETITIVE BID EVALUATIONS.

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(5) IF A VENDOR DISPUTES ANY INFORMATION CONTAINED IN A REPORT, THE VENDOR MAY EXERCISE ANY OF THE RIGHTS TO PROTEST OR APPEAL SPECIFIED IN ARTICLE 109 OF THIS TITLE. THE VENDOR'S SOLE REMEDY IN CONTESTING INFORMATION CONTAINED N A REPORT SHALL BE REMOVAL OR CORRECTION OF THE INFORMATION CONTAINED IN THE REPORT.

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(6) THE REQUIREMENTS OF THIS SECTION SHALL BE IN ADDITION TO ANY REQUIREMENTS RELATING TO THE EVALUATION OF CONTRACT PERFORMANCE SPECIFIED IN SECTION 24-102-202.5, 24-102-205, OR ARTICLE 103.5 OF THIS TITLE, OR OTHERWISE.

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(7) FOR PURPOSES OF THIS SECTION, "GOVERNMENTAL BODY" SHALL HAVE THE SAME MEANING AS SPECIFIED IN SECTION 24-101-301 (10); EXCEPT THAT, FOR PURPOSES OF THIS SECTION, GOVERNMENTAL BODY SHALL ALSO INCLUDE ELECTED OFFICIALS, THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, AND THE COLORADO COMMISSION ON HIGHER EDUCATION.

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SECTION 5. Repeal. 24-50-510, Colorado Revised Statutes, is repealed.

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SECTION 6. 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

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proclamation of the governor.

(2) (a) The provisions of section 2 of this act shall apply to existing contracts to which the state is a party for which a continuing appropriation will be made for the 2006-07 fiscal year or any subsequent fiscal year and contracts to which the state is a party that have not yet been entered into as of the effective date of this act for which an appropriation will be made for the 2006-07 fiscal year or any subsequent fiscal year.

(b) The provisions of sections 1, 3, 4, and 5 of this act shall apply to contracts entered into on or after the applicable effective date of this act."

Amendment No. 4(L.007), by Senator Owen.

Amend the Groff floor amendment, (SB064_L.004), page 5, line 31, strike "JOINT BUDGET" and substitute "LEGISLATIVE COUNCIL";

line 32, strike "COMMITTEE" and after "ASSEMBLY", insert "CREATED IN SECTION 2-3-301 (1), C.R.S."

Amendment No. 5(L.008), by Senator Groff.

Strike the State, Veterans, and Military Affairs Committee Report, dated February 8, 2006.

Strike the Appropriations Committee Report, dated March 10, 2006.

Amend the Groff floor amendment, (SB064_L.004), page 10, after line 30, insert the following:

"SECTION 6. 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 department of personnel and administration, for allocation to the division of information technology, for the fiscal year beginning July 1, 2006, the sum of five hundred one thousand sixty-seven dollars (\$501,067) and 4.0 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 department of agriculture, for the fiscal year beginning July 1, 2006, the sum of eleven thousand three hundred fourteen dollars (\$11,314) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) 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 corrections, for the fiscal year beginning July 1, 2006, the sum of one hundred seventy-one thousand nine hundred eighteen dollars (\$171,918) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(4) 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 human services, for the fiscal year beginning July 1, 2006, the sum of forty-eight thousand seventy-six dollars (\$48,076) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(5) 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 and employment, for the fiscal year beginning July 1, 2006, the sum of one hundred twenty-four thousand two hundred twenty-five dollars (\$124,225) and 2.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(6) 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 natural resources, for the fiscal year beginning July 1, 2006, the sum of one hundred eleven thousand five hundred eighty dollars (\$111,580) and 1.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(7) 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 public safety, for the fiscal year beginning July 1, 2006, the sum of twenty-three thousand seventy dollars (\$23,070) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(8) 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 revenue, for the fiscal year beginning July 1, 2006, the sum of thirty-six thousand eight hundred twenty-four dollars (\$36,824) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(9) 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 transportation, for the fiscal year beginning July 1, 2006, the sum of forty-two thousand twenty-three dollars (\$42,023) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(10) 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 health care policy and financing, for the fiscal year beginning July 1, 2006, the sum of forty-eight thousand seventy-six dollars (\$48,076) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act."

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Renumber succeeding sections accordingly.

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Page 11, after line 15, insert the following:

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"Page 1, line 110, strike "AND";

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line 111, strike "NONPERFORMANCE." and substitute "NONPERFORMANCE, AND MAKING AN APPROPRIATION."."

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

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

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Ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see Amendments to the Report of the Committee of the Whole and the roll call vote.)

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

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Amendment No. 1(L.003), by Senator Isgar.

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Amend reengrossed bill, page 2, line 9, strike "APPLICATIONS" and substitute "(A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS";

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after line 18, insert the following:

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"(B) ANY RECORD OF AN APPLICATION FOR A MARRIAGE LICENSE SUBMITTED PURSUANT TO SECTION 14-2-106, C.R.S., SHALL BE MADE

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AVAILABLE FOR PUBLIC INSPECTION FIFTY YEARS AFTER THE DATE THAT RECORD WAS CREATED."

Amendment No. 2(L.004), by Senator Dyer.

Amend reengrossed bill, page 2, line 9, strike "APPLICATIONS" and substitute "(A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS";

after line 18, insert the following:

"(B) UPON APPLICATION BY ANY PERSON TO THE DISTRICT COURT IN THE DISTRICT WHEREIN A RECORD OF AN APPLICATION FOR A MARRIAGE LICENSE IS FOUND, THE DISTRICT COURT MAY, IN ITS DISCRETION AND UPON GOOD CAUSE SHOWN, ORDER THE CUSTODIAN TO PERMIT THE INSPECTION OF SUCH RECORD."

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

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.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 24, pages 601-602 and placed in members' bill files.)

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

Amend the Finance Committee Report, dated March 23, 2006, page 1, line 2, strike "(b)," and substitute "(a),";

line 3, strike "amended" and substitute "amended, and the said 39-22-1001 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,";

strike lines 5 through 14 and substitute the following:

"contribution programs. (1) (a) Except as otherwise provided in ~~paragraph~~ PARAGRAPHS (b) AND (c) of this subsection (1), it is the intent of the general assembly that any program funded by voluntary contributions of income tax refunds that is created on or after June 2, 1985, shall have a sunset clause providing that the program shall apply to no more than three income tax years, unless the program is continued or reestablished by the general assembly acting by bill prior to the date that the program is scheduled to sunset.

(c) THE SPECIAL OLYMPICS COLORADO FUND VOLUNTARY CONTRIBUTION ESTABLISHED IN PART 18 OF THIS ARTICLE SHALL HAVE A SUNSET CLAUSE PROVIDING THAT THE PROGRAM SHALL APPLY TO NO MORE THAN TEN INCOME TAX YEARS, UNLESS THE PROGRAM IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO THE DATE THAT THE PROGRAM IS SCHEDULED TO SUNSET."."

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

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

Amendment No. 1, Business, Labor, and Technology Committee Amendment.
(Printed in Senate Journal, March 28, pages 635-636 and placed in members' bill files.)

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB06-1021, HB06-1090, HB06-1256, SB06-143, HB06-1309, HB06-1332) of March 30, was laid over until Friday, March 31, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 06-1212 did pass.

Amend reengrossed bill, page 2, after line 11, insert the following:

"(c) It is the intent of the general assembly that the prescriptive authority granted in section 12-22-122.5, Colorado Revised Statutes, be exclusively permissive and that no pharmacist should be required to act contrary to his or her conscience."

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	N	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	N
Entz	Y	Keller	N	Spence	N	Wiens	Y
Evans	Y	Kester	Y	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	N	McElhany	Y	Teck	Y		

ROLL CALL VOTE ON HB06-1212

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

Senator Lamborn requested a roll call vote on **HB06-1212**.

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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Boyd, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB06-1288 as amended, HB06-1109 as amended, SB06-179 as amended, SB06-063 as amended, SB06-064 as amended, HB06-1212, HB06-1357 as amended, HB06-1209 as amended, HB06-1251 as amended.
Laid over until Friday, March 31: HB06-1021, HB06-1090, HB06-1256, SB06-143, HB06-1309, HB06-1332.

COMMITTEE OF REFERENCE REPORTS

CORRECTED

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-211** 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.

Amend printed bill, page 2, after line 27, insert the following:

"(5) THE PROVISIONS OF SECTION 39-22-108 (3), (4), AND (5) SHALL APPLY TO THIS SECTION."

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB06-225

by Senator(s) Groff; --Concerning the creation of a division in the Colorado state patrol to address human smuggling.
State, Veterans & Military Affairs

MESSAGE FROM THE GOVERNOR

March 29, 2006

To the Honorable
Senate
Sixty-fifth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

S.B. 06-095 – Concerning Limitations On The Transfer Of Property Rights As A Means Of Qualifying Electors In Special District Elections.

Approved March 29, 2006 at 9:05 a.m

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 3/29/06, 2:47 p.m.
Karen Kuhlmann, Asst. Secy. of the Senate

SENATE SERVICES REPORT

Correctly Printed: SB06-223; SJR06-025.
Correctly Engrossed: SJR06-024.
Correctly Reengrossed: SB06-024, 105, 109, 110, 144, 195, and 209.
Correctly Revised: HB06-1271, and 1275.
Correctly Rerevised: HB06-1071, 1075, 1076, 1102, 1107, 1108, 1115, 1119, 1120,
 1162, 1169, 1189, 1249, 1260, 1264, 1267, 1268, 1269, 1285, 1299, 1334, 1353, and 1354.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB06-010, 055, 057, 070, 097, 102, 116, 118, 124, and 154.

TRIBUTES

Honoring:

- Thomas Rosenthal-- by Senator Johnson.
- Cary Carron -- by Senator Isgar and Representative Larson.
- Colorado Hospice Organization -- by Senator Williams and Representative Borodkin.

On motion of Senator Isgar, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 30 was laid over until Friday, March 31, retaining its place on the calendar.

- Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-021, SJR06-022, SJR06-023.
- Consideration of Memorials: SJM06-001.
- Consideration of House Amendments to Senate Bills: SB06-062, SB06-121, SB06-134, SB06-014, SB06-187, SB06-112, SB06-025, SB06-113, SB06-137.
- Consideration of Governor's Appointments:
 - Members of the Read-To-Achieve Board.
 - Members of the State Board for Community Colleges and Occupational Education.
 - Members of the Board of Trustees for Adams State College.
 - Member of the State Housing Board.
- Conference Committee to Report: HB06-1159.

On motion of Senator Isgar, the Senate adjourned until 9:00 a.m., Friday, March 31, 2006.

Approved:

Joan Fitz-Gerald
 President of the Senate

Attest:

Karen Goldman
 Secretary of the Senate

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