

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

31st Legislative Day

Friday, February 10, 2006

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Prayer	By the chaplain, Pastor Dave Scherrer, Christ Community Covenant Church, Arvada.	11
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Pledge	By Senator Isgar.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--33.	18
	Excused--2; Traylor, Veiga.	19
	Present later--Traylor.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Spence, reading of the Journal of February 9, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that HB06-1015 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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Judiciary	After consideration on the merits, the Committee recommends that SB06-004 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36
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Judiciary	After consideration on the merits, the Committee recommends that SB06-072 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	40
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	Amend printed bill, page 2, line 10, strike "unintentional serious bodily injury or unintentional" and substitute "serious bodily injury or";	44
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		46
	line 26, strike "UNINTENTIONAL".	47
		48
	Page 3, line 6, strike "UNINTENTIONAL";	49
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	strike lines 9 through 25 and substitute the following:	51
		52
	" SECTION 3. Part of 1 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	53
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	42-2-127.8. Authority to suspend license - careless driving resulting in serious bodily injury or death. (1) (a) WHENEVER THE DEPARTMENT RECEIVES NOTICE THAT A PERSON HAS BEEN CONVICTED OF AN OFFENSE PURSUANT TO SECTION 42-4-1402 INVOLVING SERIOUS BODILY INJURY OR DEATH, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE LICENSE OF THE PERSON.	57
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	(b) THE PERIOD OF REVOCATION FOR WHICH SHALL BE AS FOLLOWS:	64
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	(I) FOR A VIOLATION RESULTING IN SERIOUS BODILY INJURY TO ANOTHER PERSON, NOT LESS THAN SIX MONTHS;	66
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(II) FOR A VIOLATION RESULTING IN DEATH TO ANOTHER PERSON, NOT LESS THAN ONE YEAR.

(c) FOR PURPOSES OF THIS SUBSECTION (1), A PERSON HAS BEEN CONVICTED WHEN THE PERSON HAS BEEN FOUND GUILTY BY A COURT OR A JURY, ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIVED A DEFERRED SENTENCE FOR AN OFFENSE.

(2) (a) UPON SUSPENSION OF A PERSON'S LICENSE AS REQUIRED BY THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE PERSON AS PROVIDED IN SECTION 42-2-119 (2).

(b) UPON RECEIPT OF THE NOTICE OF SUSPENSION, THE PERSON OR THE PERSON'S ATTORNEY MAY REQUEST A HEARING IN WRITING. THE DEPARTMENT SHALL HOLD A HEARING NOT LESS THAN THIRTY DAYS AFTER RECEIVING THE REQUEST, WHICH HEARING SHALL BE CONDUCTED BY A HEARING COMMISSIONER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S. THE HEARING SHALL BE HELD AT THE DISTRICT OFFICE OF THE DEPARTMENT CLOSEST TO THE RESIDENCE OF THE PERSON; EXCEPT THAT ALL OR PART OF THE HEARING MAY, AT THE DISCRETION OF THE DEPARTMENT, BE CONDUCTED IN REAL TIME BY TELEPHONE OR OTHER ELECTRONIC MEANS IN ACCORDANCE WITH SECTION 42-1-218.5, UNLESS THE PERSON REQUESTS TO APPEAR IN PERSON AT THE HEARING. AFTER THE HEARING, THE PERSON MAY APPEAL THE DECISION OF THE DEPARTMENT TO THE DISTRICT COURT AS PROVIDED IN SECTION 42-2-135. IF A PERSON WHO HAD A LICENSE SUSPENDED UNDER THIS SECTION IS SUBSEQUENTLY ACQUITTED BY A COURT OF RECORD OF THE CONVICTION THAT REQUIRED THE SUSPENSION, THE DEPARTMENT SHALL IMMEDIATELY, OR IN ANY EVENT NOT LATER THAN TEN DAYS AFTER THE RECEIPT OF THE NOTICE OF ACQUITTAL, REINSTATE THE PERSON'S LICENSE TO THE PERSON AFFECTED, UNLESS THE LICENSE IS UNDER OTHER RESTRAINT.

(3) (a) IF THERE IS NO OTHER STATUTORY REASON FOR DENIAL OF A PROBATIONARY LICENSE, A PERSON WHO HAD A LICENSE SUSPENDED BY THE DEPARTMENT BECAUSE OF, IN WHOLE OR IN PART, A CONVICTION OF AN OFFENSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE ENTITLED TO A PROBATIONARY LICENSE FOR THE PURPOSE OF DRIVING FOR REASONS OF EMPLOYMENT, EDUCATION, HEALTH, OR COMPLIANCE WITH THE REQUIREMENTS OF PROBATION. SUCH A PROBATIONARY LICENSE SHALL:

(I) CONTAIN ANY OTHER RESTRICTIONS THE DEPARTMENT DEEMS REASONABLE AND NECESSARY;

(II) BE SUBJECT TO CANCELLATION FOR VIOLATION OF ANY OF THE RESTRICTIONS; AND

(III) BE ISSUED FOR THE ENTIRE PERIOD OF SUSPENSION.

(b) THE DEPARTMENT MAY REFUSE TO ISSUE A PROBATIONARY LICENSE IF THE DEPARTMENT FINDS THAT THE DRIVING RECORD OF THE PERSON IS SUCH THAT THE PERSON HAS SUFFICIENT POINTS TO REQUIRE THE SUSPENSION OR REVOCATION OF A LICENSE TO DRIVE ON THE HIGHWAYS OF THIS STATE PURSUANT TO SECTION 42-2-127, OR IF THE DEPARTMENT FINDS FROM THE RECORD AFTER A HEARING CONDUCTED IN ACCORDANCE WITH THIS SECTION THAT AGGRAVATING CIRCUMSTANCES EXIST TO INDICATE THE PERSON IS UNSAFE FOR DRIVING FOR ANY PURPOSE. IN REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT THE REFUSAL."

Page 4, line 13, strike "UNINTENTIONAL";

line 14, strike "UNINTENTIONAL";

line 21, after "SECTION 42-2-132 (4) (b).", insert the following:

"PURSUANT TO SECTION 43-4-205 (5.5), C.R.S., TWENTY-SIX PERCENT OF THE REMAINING MONEYS COLLECTED PURSUANT TO SECTION 42-4-1402 (3) OR (4) SHALL BE PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE

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COUNTIES, AND NINE PERCENT OF THE REMAINING MONEYS COLLECTED PURSUANT TO SECTION 42-4-1402 (3) OR (4) SHALL BE PAID TO THE CITIES AND INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES.";

line 26, strike "ANNUAL" and substitute "CONTINUOUS".

Page 5, strike lines 7 through 10 and substitute the following:

"GROOVED PAVEMENT. MONEYS CREDITED TO THE ACCOUNT SHALL REMAIN THEREIN AT THE END OF EACH FISCAL YEAR AND SHALL NOT BE TRANSFERRED TO ANY OTHER FUND.";

after line 10, insert the following:

"SECTION 5. 43-4-205 (5.5) (a), Colorado Revised Statutes, is amended to read:

43-4-205. Allocation of fund. (5.5) Revenues raised by the excise tax imposed on gasoline and special fuel pursuant to sections 39-27-102 and 39-27-102.5, C.R.S., equal to the first seven cents per gallon of such tax shall be placed in the highway users tax fund to be allocated as follows:

(a) Revenues from fines, penalties, or forfeitures that are credited to the fund pursuant to sections 18-4-509 (2) (a), 39-27-102 (9) (c), 39-27-104 (1) (g) (III), 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), and (2), 42-4-225 (3), and 42-4-235 (2) (a), ~~C.R.S.~~ AND 42-4-1402 (3) AND (4), C.R.S.;".

Renumber succeeding section accordingly.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-064** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 9, line 3, after the period, add "THE VENDOR MAY APPEAL ANY EVALUATION TO THE DEPARTMENT IN THE SAME MANNER AS PROVIDED BY LAW FOR A BID PROTEST. AFTER EXHAUSTING ALL SUCH ADMINISTRATIVE REMEDIES, THE VENDOR MAY FILE AN APPEAL WITH THE OFFICE OF ADMINISTRATIVE COURTS CREATED IN SECTION 24-30-1001 (1), WHICH SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE.";

line 20, after the period, add "AFTER EXHAUSTING ALL ADMINISTRATIVE REMEDIES AS PROVIDED UNDER LAW, ANY VENDOR MAY APPEAL THE REMOVAL OF THE VENDOR'S NAME FROM THE DATABASE OR THE PROHIBITION OF THE VENDOR FROM BIDDING ON FUTURE CONTRACTS BY FILING AN APPEAL WITH THE OFFICE OF ADMINISTRATIVE COURTS CREATED IN SECTION 24-30-1001 (1), WHICH SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE.".

Page 11, line 2, after "CONTRACT.", insert "THE PERFORMANCE MEASURES AND STANDARDS SHALL BE NEGOTIATED BY THE AGENCY AND THE VENDOR PRIOR TO EXECUTION OF THE CONTRACT AND SHALL BE INCORPORATED INTO THE CONTRACT.";

line 11, strike "STANDARDS;" and substitute "STANDARDS. THE PERFORMANCE MEASURES AND STANDARDS SHALL ADDRESS, WITHOUT LIMITATION, WHETHER AND TO WHAT EXTENT THE CONTRACT WAS COMPLETED ACCORDING TO THE PERFORMANCE SCHEDULE SPECIFIED IN THE CONTRACT, SATISFACTION OF THE SCOPE OF THE CONTRACTOR'S WORK AS SPECIFIED IN THE CONTRACT, AND WHETHER AND TO WHAT EXTENT THE CONTRACTOR MET OR EXCEEDED BUDGETARY REQUIREMENTS UNDER THE CONTRACT.".

Page 12, line 1, after "(2)", insert "(a)";

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after line 7, insert the following:

"(b) THE DEPARTMENT OF PERSONNEL SHALL CREATE A JOB CATEGORY AND DEFINED SKILL SETS WITHIN THE STATE PERSONNEL SYSTEM FOR INDIVIDUALS EMPLOYED TO MONITOR CONTRACTUAL PERFORMANCE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE. ANY PERSON DESIGNATED BY THE AGENCY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL EITHER HAVE DEMONSTRATED EXPERTISE IN MONITORING CONTRACTUAL PERFORMANCE OR RECEIVE SUFFICIENT TRAINING IN MONITORING CONTRACTUAL PERFORMANCE TO BE ABLE TO PERFORM THE FUNCTIONS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2).";

line 21, strike "CONTRACT." and substitute "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. THE VENDOR MAY CHALLENGE ANY FINDING OF CONTRACTUAL NONPERFORMANCE MADE BY THE AGENCY OR ANY REMEDY SELECTED BY THE AGENCY IN THE EVENT OF THE ALLEGED NONPERFORMANCE UNDER THIS SUBSECTION (4) BY FILING AN APPEAL WITH THE OFFICE OF ADMINISTRATIVE COURTS CREATED IN SECTION 24-30-1001 (1), WHICH SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE.";

after line 21, insert the following:

"SECTION 5. 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) IN THE CASE OF EACH CONSTRUCTION CONTRACT THE VALUE OF WHICH IS FIVE HUNDRED THOUSAND DOLLARS OR MORE, THE PURCHASING AGENCY SHALL PREPARE, PRIOR TO COMPLETION OF THE CONTRACT, A CONTRACTOR PERFORMANCE EVALUATION REPORT, WHICH REPORT SHALL BE COMPLETED ON A FORM PROVIDED BY THE PURCHASING AGENCY. 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:

(a) THE NAME OF THE PURCHASING AGENCY, 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 PURCHASING AGENCY RESPONSIBLE FOR COMPLETING THE REPORT;

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

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

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

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

(f) A DETERMINATION AS TO WHETHER, IN THE JUDGMENT OF AN EMPLOYEE WITHIN THE PURCHASING AGENCY WITH RESPONSIBILITY FOR OVERSEEING THE CONTRACT, THE CONTRACTOR SUBSTANTIALLY COMPLIED WITH ALL CONTRACT PLANS AND SPECIFICATIONS AND ALL APPLICABLE

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LAWS AND REGULATIONS.

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

(4) EACH PURCHASING AGENCY SHALL ESTABLISH APPROPRIATE PROCEDURES TO ENSURE THAT ANY REPORT IS REVIEWED BY THE AGENCY PRIOR TO THE AGENCY 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 PURCHASING AGENCY TO ASSESS CONTRACTOR QUALIFICATIONS AND CAPABILITIES FOR PURPOSES OF COMPETITIVE BID EVALUATIONS.

(5) THE REQUIREMENTS OF THIS SECTION SHALL BE IN ADDITION TO ANY REQUIREMENTS RELATING TO THE EVALUATION OF CONTRACT PERFORMANCE SPECIFIED IN SECTIONS 24-50-510, 24-102-202.5, 24-102-205, OR ARTICLE 103. 5 OF THIS TITLE, OR OTHERWISE."

Renumber succeeding section accordingly.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB06-088** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 18, after "(b)", insert "(I)";

line 21, strike "due. IN THE" and substitute "due.

(II) IN THE";

line 22, strike "such" and substitute "~~such~~ THE CUMULATIVE".

Page 6, line 2, strike "INCURRED. If" and substitute: "INCURRED. IN THE CASE OF A VENDOR, THE DISCLOSURE STATEMENT SHALL ALSO CONTAIN THE TOTAL GROSS AMOUNT OF MONEYS THE VENDOR HAS GIVEN TO ANY PERSON WHO IS EMPLOYED ON THE FACULTY OF ANY INSTITUTION OF HIGHER EDUCATION FOR THE PRIOR YEAR WHETHER IN THE FORM OF GIFTS, GRANTS, DONATIONS, STIPENDS, REIMBURSEMENT OF EXPENSES, CONSULTING FEES, OR ANY OTHER FORM OF COMPENSATION OR REMUNERATION, ALL OF WHICH SHALL BE CONSIDERED "GIFTS" FOR PURPOSES OF THIS SECTION. IN SUCH CASE, THE VENDOR'S DISCLOSURE STATEMENT SHALL FURTHER SPECIFY THE DATE, THE RECIPIENT, THE AMOUNT, AND THE PURPOSE OF THE GIFT.

(III) If".

Page 10, after line 6, insert the following:

"SECTION 10. Part 3 of article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-1-303.5. Pharmaceutical manufacturing representatives - disclosure - gifts - lobbying activities - promotional activities - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLINICAL TRIAL" MEANS AN APPROVED CLINICAL TRIAL CONDUCTED IN CONNECTION WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S APPROVAL PROCESS, A RESEARCH STUDY DESIGNED TO ANSWER SPECIFIC QUESTIONS ABOUT VACCINES, NEW THERAPIES, OR NEW WAYS OF USING KNOWN TREATMENTS, ANY RESEARCH PERFORMED

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CONCERNING THE EFFICACY OR SIDE EFFECTS OF A PRESCRIPTION DRUG OR THERAPY, OR ANY OTHER RESEARCH PERFORMED REGARDING ANY PRESCRIPTION DRUG OR THERAPY PRIOR OR SUBSEQUENT TO THE DRUG'S APPROVAL BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

(b) "PHARMACEUTICAL MANUFACTURING COMPANY" MEANS ANY ENTITY THAT IS ENGAGED IN THE PRODUCTION, PREPARATION, PROPAGATION, COMPOUNDING, CONVERSION, OR PROCESSING OF PRESCRIPTION DRUGS, EITHER DIRECTLY OR INDIRECTLY, BY EXTRACTION FROM SUBSTANCES OF NATURAL ORIGIN, OR INDEPENDENTLY BY MEANS OF CHEMICAL SYNTHESIS, OR BY A COMBINATION OF EXTRACTION AND CHEMICAL SYNTHESIS. "PHARMACEUTICAL MANUFACTURING COMPANY" ALSO INCLUDES ANY ENTITY ENGAGED IN THE PACKAGING, REPACKAGING, LABELING, RELABELING, OR DISTRIBUTION OF PRESCRIPTION DRUGS; EXCEPT THAT "PHARMACEUTICAL MANUFACTURING COMPANY" SHALL NOT INCLUDE A WHOLESALER, AS DEFINED IN SECTION 12-22-102 (34), C.R.S., OR A PHARMACIST LICENSED PURSUANT TO ARTICLE 22 OF TITLE 12, C.R.S.

(c) "PHARMACEUTICAL MARKETER" MEANS A PERSON WHO, WHILE EMPLOYED BY OR UNDER CONTRACT TO REPRESENT A PHARMACEUTICAL MANUFACTURING COMPANY, ENGAGES IN PHARMACEUTICAL DETAILING, PROMOTIONAL ACTIVITIES, OR OTHER MARKETING OF PRESCRIPTION DRUGS IN THIS STATE TO ANY PHYSICIAN, HOSPITAL, NURSING HOME, PHARMACIST, HEALTH BENEFIT PLAN ADMINISTRATOR, OR ANY OTHER PERSON AUTHORIZED TO PRESCRIBE, DISPENSE, OR PURCHASE PRESCRIPTION DRUGS. "PHARMACEUTICAL MARKETER" SHALL NOT INCLUDE A WHOLESALER, AS DEFINED IN SECTION 12-22-102 (34), C.R.S., OR A WHOLESALER'S REPRESENTATIVE WHO PROMOTES OR OTHERWISE MARKETS THE SERVICES OF THE WHOLESALE DRUG DISTRIBUTOR IN CONNECTION WITH A PRESCRIPTION DRUG.

(d) "PHYSICIAN" MEANS A PERSON LICENSED TO PRACTICE MEDICINE IN COLORADO PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND WHO EITHER IS EMPLOYED BY THE STATE OF COLORADO OR RECEIVES REIMBURSEMENT UNDER THE "COLORADO MEDICAL ASSISTANCE ACT, ARTICLE 4 OF TITLE 26, C.R.S., THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 19 OF TITLE 26, C.R.S., THE "REFORM ACT FOR THE PROVISION OF HEALTH CARE FOR THE MEDICALLY INDIGENT", PART 1 OF ARTICLE 15 OF TITLE 26, C.R.S., OR THE "STATE EMPLOYEES GROUP BENEFITS ACT", PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.

(2) IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, EACH PHARMACEUTICAL MANUFACTURING COMPANY SHALL DISCLOSE TO THE STATE BOARD:

(a) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE VALUE, NATURE, AND PURPOSE OF ANY GIFT, FEE, PAYMENT, SUBSIDY, OR OTHER ECONOMIC BENEFIT PROVIDED TO ANY PHYSICIAN; AND

(b) THE AMOUNT OF MONEY THAT THE PHARMACEUTICAL MANUFACTURING COMPANY ANNUALLY SPENDS ON LOBBYING, AS DEFINED IN SECTION 24-6-301 (3.5) (a), C.R.S., A MEMBER OF A RULE-MAKING BOARD OR COMMISSION, OR A RULE-MAKING OFFICIAL OF A STATE AGENCY, THAT HAS JURISDICTION OVER THE SUBJECT MATTER OF A RULE, STANDARD, OR RATE.

(3) DISCLOSURE SHALL BE MADE ON A FORM AND IN A MANNER PRESCRIBED BY THE STATE BOARD. INITIAL DISCLOSURE SHALL BE MADE ON OR BEFORE JANUARY 1, 2008, FOR THE TWELVE-MONTH PERIOD ENDING JUNE 30, 2007. ALL DISCLOSURES THEREAFTER SHALL BE MADE ON OR BEFORE JULY 1 FOR THE SIX-MONTH PERIOD COVERING THE PREVIOUS JANUARY 1 THROUGH JUNE 30 AND ON OR BEFORE JANUARY 1 FOR THE SIX-MONTH PERIOD COVERING THE PREVIOUS JULY 1 THROUGH DECEMBER 31.

(4) EACH PHARMACEUTICAL MANUFACTURING COMPANY SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL ALSO DISCLOSE TO THE STATE BOARD, ON OR BEFORE OCTOBER 1, 2007, AND EACH OCTOBER 1 THEREAFTER, THE NAME AND ADDRESS OF THE INDIVIDUAL RESPONSIBLE

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FOR THE COMPANY'S COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

(5) THE STATE BOARD AND THE OFFICE OF THE ATTORNEY GENERAL SHALL KEEP CONFIDENTIAL ALL TRADE SECRET INFORMATION. THE DISCLOSURE FORM PRESCRIBED BY THE STATE BOARD SHALL PERMIT THE COMPANY TO IDENTIFY ANY INFORMATION THAT IS A TRADE SECRET.

(6) THE FOLLOWING SHALL BE EXEMPT FROM DISCLOSURE:

(a) FREE SAMPLES OF PRESCRIPTION DRUGS INTENDED TO BE DISTRIBUTED TO PATIENTS;

(b) THE PAYMENT OF REASONABLE COMPENSATION AND REIMBURSEMENT OF EXPENSES IN CONNECTION WITH BONA FIDE CLINICAL TRIALS;

(c) ANY GIFT, FEE, PAYMENT, SUBSIDY, OR OTHER ECONOMIC BENEFIT, THE VALUE OF WHICH IS LESS THAN FIFTY DOLLARS; AND

(d) SCHOLARSHIP OR OTHER SUPPORT FOR MEDICAL STUDENTS, RESIDENTS, AND FELLOWS TO ATTEND A SIGNIFICANT EDUCATIONAL, SCIENTIFIC, OR POLICY-MAKING CONFERENCE OF A NATIONAL, REGIONAL, OR SPECIALTY MEDICAL OR OTHER PROFESSIONAL ASSOCIATION IF THE RECIPIENT OF THE SCHOLARSHIP OR OTHER SUPPORT IS SELECTED BY THE ASSOCIATION.

(7) THE ATTORNEY GENERAL MAY BRING AN ACTION IN THE APPROPRIATE DISTRICT COURT FOR INJUNCTIVE RELIEF, COSTS, ATTORNEY FEES, AND A CIVIL PENALTY, NOT TO EXCEED TEN THOUSAND DOLLARS PER VIOLATION, AGAINST ANY PHARMACEUTICAL MANUFACTURING COMPANY THAT FAILS TO COMPLY WITH THE DISCLOSURE REQUIREMENTS OF THIS SECTION. EACH UNLAWFUL FAILURE TO DISCLOSE SHALL CONSTITUTE A SEPARATE VIOLATION.

(8) THE STATE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC THROUGH AN INTERNET WEBSITE THE INFORMATION REQUIRED TO BE DISCLOSED PURSUANT TO SUBSECTION (2) OF THIS SECTION."

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB06-063** be referred to the Committee on Appropriations with favorable recommendation.

Legal
Services

After consideration on the merits, the Committee recommends that **SB06-106** be referred to the Committee of the Whole with favorable recommendation.

Trans-
portation

After consideration on the merits, the Committee recommends that **SB06-093** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 3 through 7 and substitute the following:

"32-9-119.9. Limited authority to charge fees for parking - reserved parking spaces. (1) (a) THE DISTRICT MAY CHARGE A PARKING FEE TO THE OWNER OF A MOTOR VEHICLE WHO PARKS THE VEHICLE OR ALLOWS THE VEHICLE TO BE PARKED AT A PARK-N-RIDE LOT OR ANY OTHER PARKING LOT OR STRUCTURE OWNED OR LEASED BY THE DISTRICT IF THE AVERAGE USAGE RATE OF SUCH PARKING FACILITY IS MORE THAN FIFTY PERCENT OF CAPACITY AND IF THE VEHICLE IS:

(I) REGISTERED AT AN ADDRESS OUTSIDE THE DISTRICT; OR

(II) LEFT IN THE PARKING FACILITY FOR MORE THAN TWENTY-FOUR HOURS.

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(b) THE DISTRICT SHALL NOT CHARGE A PARKING FEE AT ANY PARKING FACILITY PURSUANT TO THIS SUBSECTION (1) UNTIL IT HAS POSTED SIGNS WARNING OF THE PARKING FEE TO BE IMPOSED PURSUANT TO THIS SUBSECTION (1) AT ALL ENTRANCES AND EXITS TO THE PARKING FACILITY FOR AT LEAST SIX MONTHS. THE WARNING SIGNS SHALL REMAIN IN PLACE SO LONG AS THE DISTRICT CHARGES A PARKING FEE AT THE PARKING FACILITY.

(c) THE DISTRICT SHALL BE PROHIBITED FROM REQUIRING AN INDIVIDUAL TO GIVE ANY TYPE OF PERSONAL INFORMATION, INCLUDING, BUT NOT LIMITED TO, ANY MOTOR VEHICLE REGISTRATION OR DRIVER'S LICENSE INFORMATION, IN FURTHERANCE OF THE ADMINISTRATION AND ENFORCEMENT OF THE PARKING FEE IMPOSED PURSUANT TO THIS SUBSECTION (1), BUT AN INDIVIDUAL MAY ELECT TO PROVIDE SUCH INFORMATION TO THE DISTRICT TO PROVE THAT HE OR SHE IS A RESIDENT OF THE DISTRICT.

(d) EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION (1), THE DISTRICT SHALL NOT CHARGE A PERSON ANY TYPE OF FEE, REGARDLESS OF WHAT IT MAY BE CALLED, TO PARK AT A PARK-N-RIDE LOT OR ANY OTHER PARKING LOT OR STRUCTURE OWNED, LEASED, OR USED BY THE DISTRICT.

(2) NO PARK-N-RIDE LOT OR OTHER PARKING LOT OR STRUCTURE OWNED, LEASED, OR USED BY THE DISTRICT SHALL PROVIDE ANY RESERVED PARKING SPACES, OTHER THAN FOR HANDICAPPED-DESIGNATED OR AUTHORIZED EMERGENCY VEHICLES, AS SUCH TERM IS DEFINED IN SECTION 42-1-102 (6), C.R.S. THIS SUBSECTION (2) SHALL NOT APPLY TO PARKING FACILITIES THAT ARE MAINTAINED BY THE DISTRICT FOR THE USE OF ITS EMPLOYEES.

(3) THE BOARD MAY ESTABLISH REASONABLE RULES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THIS SECTION."

MESSAGE FROM THE HOUSE

February 9, 2006
Madame President:

The House has adopted and transmits herewith HJR06-1009.

February 9, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1213,1214,1215,1216,1218,1220,1221,1222,1223,1224,1225,1226,1227, 1229,1230,1231,1232,1233,1234,1235.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1217, amended as printed in House Journal, February 8, page 248.
HB06-1219, amended as printed in House Journal, February 8, page 248.
HB06-1228, amended as printed in House Journal, February 8, page 250.

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2006

We herewith transmit:

Without comment, HB06-1213, 1214, 1215, 1216, 1218, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1229, 1230, 1231, 1232, 1233, 1234, 1235.
Without comment, as amended, HB06-1217, 1219, and 1228.

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COMMITTEE OF REFERENCE REPORTS

Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
HAZARDOUS WASTE COMMISSION**

for a term expiring August 1, 2006:

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

for terms expiring August 1, 2008:

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

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

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

for a term expiring August 1, 2006:

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

Health &
Human
Services

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

Amend printed bill, page 9, line 18, strike "THAT RECEIVE REIMBURSEMENT OR";

strike line 19 and substitute "SHALL ANNUALLY";

line 20, strike "INDEPENDENT AUDIT AND".

Health &
Human
Services

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

Amend printed bill, page 3, strike lines 3 and 4 and substitute the following:

"(b) THE SURCHARGE COLLECTED PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF SECTION (2) OF THIS SECTION";

line 5, strike "(a.5), C.R.S.,";

after line 25, insert the following:

"SECTION 2. 18-13-122 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person. (2) (b) (IV) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO AN ADDITIONAL PENALTY SURCHARGE OF TWENTY-FIVE DOLLARS THAT SHALL BE ADMINISTERED TO THE ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT FUND.

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SECTION 3. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date."

Renumber succeeding section accordingly.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-036** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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

(a) The rising cost of health care and health insurance premiums has made it increasingly difficult for small employers to provide health insurance coverage to their employees.

(b) Employees of small employers are experiencing great difficulty in affording their portion of employer-sponsored health insurance premiums for coverage for themselves and their families.

(c) Given the financial difficulties small employers experience in offering health insurance coverage to their employees as well as the increasing inability of employees of small employers to afford premiums when health insurance coverage is provided by the employer, employees of small businesses are nearly twice as likely to be uninsured than employees who work for larger employers.

(d) Employees of small businesses make up nearly two-thirds of all uninsured adults in Colorado.

(e) Uninsured individuals are more likely to have unpaid medical bills, which is the number one reason for declaring personal bankruptcy in the United States.

(f) Insurers offering health insurance plans for small employers need more flexibility in the components of the plans that are required to be offered in order to reduce the costs of such plans and increase the affordability of the plans to small employers and their employees.

(g) Medical evidence can be used to enhance a health insurance plan that covers catastrophic medical care by covering limited preventive services and chronic disease care, which are proven to be the most cost-effective, thereby lowering the cost of such plans and making them more affordable for small employers and their employees.

(h) It is in the best interest of the state to assure that small business employees have access to affordable health insurance with coverage based on the latest medical evidence.

(i) It is the intent of the general assembly to require small employer health insurance carriers to offer an affordable health insurance plan with coverage based on the latest medical evidence in an effort to increase the number of small business employees who are insured through a small employer health benefit plan and reduce the number of Coloradans declaring personal bankruptcy due to the inability to pay outstanding medical bills.

SECTION 2. The introductory portion to 10-16-105 (7.2) and 10-16-105 (7.2) (b) and (11), Colorado Revised Statutes, are amended, and the said 10-16-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

10-16-105. Small group sickness and accident insurance -

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guaranteed issue - mandated provisions for basic health benefit plans - rules - benefit design advisory committee - repeal. (7.2) The commissioner shall promulgate rules to implement a basic health benefit plan and a standard health benefit plan to be offered by each small employer carrier as a condition of transacting business in this state. The commissioner shall survey small group carriers to determine the range of health benefit plans available annually. The commissioner shall implement a basic plan that approximates the lowest level of coverage offered in small group health benefit plans and IS BASED ON THE LATEST MEDICAL EVIDENCE. THE COMMISSIONER shall implement a standard plan that approximates the average level of coverage offered in small group health benefit plans. In determining such levels of coverage, the commissioner shall consider such factors SUCH as coinsurance, copayments, deductibles, out-of-pocket maximums, and covered benefits. The commissioner shall amend the rules to implement the basic and standard plans HEALTH BENEFIT PLANS no more frequently than once every two years. Such THE rules shall be in conformity with the provisions of article 4 of title 24, C.R.S., and shall incorporate the following HEALTH BENEFIT PLAN DESIGNS:

(b) (I) ~~A basic health benefit plan may reflect a basic health benefit plan that does not include coverage pursuant to the mandatory coverage provisions of section 10-16-104 (4), (5), (8), (9), (10), and (12);~~

(II) ~~A basic health benefit plan may reflect a health benefit plan that is a high deductible plan that would qualify for a health savings account pursuant to 26 U.S.C. sec. 223; except that a carrier may apply deductible amounts for mandatory health benefits for mammography, prostate screening, child supervision services, or prosthetic devices pursuant to section 10-16-104 (4), (10), (11), and (14) if such mandatory benefits are not considered by the federal department of treasury to be preventive or to have an acceptable deductible amount; or~~

(III) ~~A basic health benefit plan may reflect a basic health benefit plan that:~~

(A) ~~Does not include coverage pursuant to the mandatory coverage provisions of section 10-16-104 (4), (5), (8), (9), (10), and (12); and~~

(B) ~~Is a high deductible plan that would qualify for a health savings account pursuant to 26 U.S.C. sec. 223;~~

(C) ~~COVERS LIMITED PREVENTION AND SCREENING BASED ON THE LATEST MEDICAL EVIDENCE EMBODIED IN RECOMMENDATIONS OF AN INDEPENDENT PANEL OF EXPERTS IN PRIMARY CARE AND PREVENTION THAT SYSTEMATICALLY REVIEWS THE EVIDENCE OF EFFECTIVENESS AND DEVELOPS RECOMMENDATIONS FOR CLINICAL PREVENTIVE SERVICES; except that a carrier may apply deductible amounts for mandatory health benefits for mammography, prostate screening, child supervision services, or prosthetic devices pursuant to section 10-16-104 (4), (10), (11), and (14) if such mandatory benefits are not considered by the federal department of treasury to be preventive or to have an acceptable deductible amount;~~

(D) ~~COVERS LIMITED NONELECTIVE INPATIENT AND SURGICAL CARE;~~

(E) ~~COVERS LIMITED MEDICATIONS USED PRIMARILY FOR COST-EFFECTIVE CHRONIC DISEASE MANAGEMENT; AND~~

(F) ~~COVERS MATERNITY CARE.~~

(11) ~~The requirements contained in this section for small employer carriers to issue basic and standard health benefit plans shall terminate July 1, 2006, unless the general assembly acts by bill to extend such requirements beyond said date after conducting the review required in section 10-16-120.~~

(16) (a) THE COMMISSIONER SHALL APPOINT A BENEFIT DESIGN ADVISORY COMMITTEE TO PROVIDE RECOMMENDATIONS ON THE DEVELOPMENT OF THE STANDARD AND BASIC HEALTH BENEFIT PLANS. THE ADVISORY COMMITTEE SHALL CONSIST OF ACTUARIES; FOR-PROFIT AND NONPROFIT HEALTH INSURERS; HEALTH CARE CONSUMERS; REPRESENTATIVES OF HEALTH CARE PROVIDERS; HEALTH CARE PROFESSIONALS; SMALL BUSINESS OWNERS, INCLUDING OWNERS OF BUSINESS GROUPS OF ONE; AND PERSONS HAVING EXPERTISE IN HEALTH CARE FINANCE, POLICY, AND EVIDENCE-BASED MEDICINE. THE COMMISSIONER SHALL APPOINT THE MEMBERS OF THE ADVISORY COMMITTEE BY JULY 1, 2006.

(b) THE DIVISION MAY ACCEPT GIFTS, GRANTS, AND DONATIONS MADE FOR THE PURPOSE OF FUNDING THE FUNCTIONS OF THE BENEFIT DESIGN ADVISORY COMMITTEE. MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE REIMBURSED FOR EXPENSES INCURRED WHILE SERVING ON THE ADVISORY COMMITTEE.

(c) THIS SUBSECTION (16) IS REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED PURSUANT TO SECTION 2-3-1203, C.R.S.

SECTION 3. 10-16-104 (15), Colorado Revised Statutes, is amended to read:

10-16-104. Mandatory coverage provisions.
 (15) Notwithstanding any provision to the contrary, a small employer may purchase health benefit coverage that does not include the coverage for benefits pursuant to subsections (4), (5), (8), (9), (10), and (12) of this section through a basic health benefit plan pursuant to section 10-16-105 (7.2) (b) ~~(c)~~ (III).

SECTION 4. Repeal. 10-16-120, Colorado Revised Statutes, is repealed as follows:

10-16-120. Legislative review of requirements for guaranteed issue of basic and standard health benefit plans. ~~(1) During the regular session of the general assembly in the year 2001, the legislative council of the general assembly shall conduct a review of the operation of requirements contained in section 10-16-105 for small employer carriers to issue basic and standard health benefit plans. Such review shall consider, but not be limited to, the effect of such requirement on the availability and affordability of health care coverage to residents of Colorado. As a result of the review required by this subsection (1), the legislative council may recommend to the general assembly any legislation determined to be necessary based on such review.~~

~~(2) The requirements contained in section 10-16-105 for small employer carriers to issue basic and standard health benefit plans shall terminate July 1, 2006, unless the general assembly acts by bill to extend said requirements beyond July 1, 2006.~~

SECTION 5. 26-19-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

26-19-107. Duties of the department - schedule of services - premiums - copayments - subsidies. (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

(a) (I) To design, ~~on or after April 21, 1998,~~ and from time to time revise, a schedule of health care services included in the plan and to propose said schedule to the medical services board for approval or modification. The schedule of health care services as proposed by the department and approved by the medical services board shall include, but shall not be limited to, preventive care, physician services, prenatal care and postpartum care, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be medically necessary for the health of enrollees. The department shall design and revise this schedule of health care services included in the

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plan to be based upon the basic and standard health benefit plans defined in section 10-16-102 (4) ~~and (42)~~ AND (43), C.R.S.; except that the department may modify the basic and the standard health benefit plans to meet specific federal requirements or to accommodate those changes necessary for a program designed specifically for children.

SECTION 6. 2-3-1203 (3) (x), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(x) July 1, 2011:

(V) THE BENEFIT DESIGN ADVISORY COMMITTEE, APPOINTED PURSUANT TO SECTION 10-16-105 (16), C.R.S.

SECTION 7. Effective date - applicability. (1) Except as provided in subsection (2) of this section, this act shall take effect January 1, 2007, and shall apply to health benefit plans offered by small employer carriers on or after said date.

(2) (a) Section 10-16-105 (11), Colorado Revised Statutes, as amended in section 2 of this act, and section 4 of this act shall take effect July 1, 2006, and shall apply to health benefit plans issued by small employer carriers on or after said date.

(b) Section 10-16-105 (16), Colorado Revised Statutes, as enacted in section 2 of this act, shall take effect upon passage.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-121** be referred to the Committee of the Whole with favorable recommendation.

Local Government

After consideration on the merits, the Committee recommends that **SB06-068** 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 9, strike "12-47-307;" and substitute "12-47-307 AND 1 CCR 203-2, RULE 47-302, ENTITLED "CHANGING, ALTERING, OR MODIFYING LICENSED PREMISES", OR ANY ANALOGOUS SUCCESSOR RULE;"

strike lines 11 and 12 and substitute the following:

"THAT SPECIFIES GENERALLY-APPLICABLE TERMS AND CONDITIONS THAT DO NOT CONFLICT WITH STATE STATUTES FOR THE TRANSFER OF LICENSES WHEN A BUSINESS HOLDING A LICENSE IS SOLD. The local";

strike lines 20 through 26.

Page 3, strike line 1.

Renumber succeeding section accordingly.

Local Government

After consideration on the merits, the Committee recommends that **SB06-132** 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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Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Bacon was called to the Chair to act as Chairman.

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

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:

SB06-021 by Senator(s) Sandoval; also Representative(s) Marshall--Concerning identification cards issued by the state department of revenue to certain individuals.

Amendment No. 1, State, Veteran & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 2, page 120 and placed in members' bill files.)

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

SB06-083 by Senator(s) May R.; also Representative(s) Ragsdale--Concerning authorization for an alternate person to supervise a holder of a driver's permit issued to a minor who is under sixteen years of age.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB06-1014 by Representative(s) Hoppe; also Senator(s) Isgar--Concerning the authority of the department of agriculture over the disposition of moneys received from other sources.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

SB06-107 by Senator(s) Johnson, Shaffer; also Representative(s) Boyd--Concerning the authorization of small employer carriers to vary certain requirements by product.

Upon request of Senator Gordon, **SB06-107** was removed from the Consent Calendar of February 10 and was placed at the end of the General Orders -- Second Reading of Bills calendar of Monday, February 13.

SB06-126 by Senator(s) Owen, Tapia, Keller; also Representative(s) Buescher, Plant, Hall--Concerning the use of moneys appropriated to the Colorado state veterans trust fund.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-160 by Senator(s) Isgar; also Representative(s) Curry--Concerning the membership of the governing board of a local government retirement organization.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB06-1087 by Representative(s) Larson, Rose; also Senator(s) Isgar--Concerning the classification of Montezuma county for purposes of fixing the salaries of county officers.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

On motion of Senator Bacon, 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: SB06-021 as amended, SB06-083, HB06-1014, SB06-126, SB06-160, HB06-1087.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, February 13: SB06-107.

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

SB06-039 by Senator(s) Tochtrop, Entz, Taylor, Williams; also Representative(s) McGihon, Berens, Cerbo, McCluskey, Ragsdale, Vigil--Concerning the partial entry into the fire and police pension association defined benefit system by members of money purchase plans where all future eligible employees are required to participate in the defined benefit system.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 3, page 121 and placed in members' bill files.)

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

SB06-091 by Senator(s) Tupa, Groff; also Representative(s) Riesberg, Coleman, Gallegos, Todd-- Concerning a prohibition against using telephone records without authorization.

Laid over and placed at the end of the General Orders -- Second Reading of Bills calendar of Monday, February 13.

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

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 7, page 149 and placed in members' bill files.)

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

SB06-109 by Senator(s) Tochtrop; also Representative(s) Butcher--Concerning a prohibition against the use of credit-based insurance scoring for insurance underwriting purposes.

Amendment No. 1, State, Veteran & Military Affairs Committee Amendment.

(Printed in Senate Journal, February 7, pages 149-150 and placed in members' bill files.)

As amended, laid over until Monday, February 13, retaining its place on the calendar.

SB06-124 by Senator(s) Tapia, Keller, Owen; also Representative(s) Hall, Plant, Buescher-- Concerning the transfer to the general fund of the fund balance remaining after the repeal of the electronic benefits transfer service fund.

Ordered engrossed 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.)

SB06-029 by Senator(s) Williams; also Representative(s) Garcia--Concerning a disclosure requirement in the private sale of a motor vehicle that may not qualify for a certification of emissions control.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06-124 by Senator(s) Tapia, Keller, Owen; also Representative(s) Hall, Plant, Buescher-- Concerning the transfer to the general fund of the fund balance remaining after the repeal of the electronic benefits transfer service fund.

Senator May moved to amend the Report of the Committee of the Whole to show that the following May floor amendment, (L.001) to SB06-124, did pass.

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

"(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE BALANCE OF MONEYS TRANSFERRED TO THE GENERAL FUND BY THIS PARAGRAPH (e) SHALL BE USED TO REPAY FIFTY-FOUR THOUSAND NINE HUNDRED FIFTY-NINE DOLLARS OF THE TWO HUNDRED FIFTEEN MILLION DOLLARS THAT THE GENERAL FUND OWES TO THE STATE MAJOR MEDICAL FUND, CREATED IN SECTION 8-46-202, C.R.S., AND FOR NO OTHER PURPOSE."

Renumber succeeding subparagraph accordingly.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Bacon		N Hanna		N Mitchell		Y Tochtrop	N
Brophy		Y Isgar		N Owen		N Traylor	Y
Dyer		Y Johnson		Y Sandoval		N Tupa	N
Entz		Y Jones		Y Shaffer		N Veiga	E
Evans		Y Keller		N Spence		Y Wiens	Y
Gordon		N Kester		Y Takis		N Williams	N
Groff		N Lamborn		Y Tapia		N Windels	N
Grossman		N May R.		Y Taylor		Y President	N
Hagedorn		N McElhany		Y Teck		Y	

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, 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: SB06-039 as amended, SB06-108 as amended, SB06-124, SB06-029.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, February 13: SB06-091.

Laid over until Monday, February 13 retaining its place on the General Orders -- Second Reading of Bills calendar: SB06-109 as amended.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that **SB06-055** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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

(a) The "Safety and Discipline" section of the school accountability reports required of school districts pursuant to section 22-7-605, Colorado Revised Statutes, currently includes a category of incidents titled "Assaults/Fights", and, according to the data collection and reporting system developed and implemented by the department of education pursuant to section 22-7-603, Colorado Revised Statutes, this category is intended to reflect the number of incidents involving first or second degree assault, but not incidents involving vehicular assault, third degree assault, or disorderly conduct;

(b) As a result of the department of education's data collection and reporting system, which limits the "Assaults/Fights" category to reflect only incidents involving first or second degree assault, school districts tend to report instances of vehicular assault, third degree assault, and disorderly conduct in the ambiguous category titled "Other Violations of Code of Conduct";

(c) The reporting by school districts of instances of vehicular assault, third degree assault, and disorderly conduct involving fighting in the ambiguous category titled "Other Violations of Code of Conduct" is not helpful to parents who consult school accountability reports to determine the relative safety of Colorado schools.

(2) The general assembly hereby declares that it is necessary to create a new "Fights and Disruptive Conduct" category that shall include incidents of third degree assault, as described in section 18-3-204, Colorado Revised Statutes, and incidents of disorderly conduct, as described in section 18-9-106 (1) (a), (1) (c), and (1) (d), Colorado Revised Statutes, but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f), Colorado Revised Statutes.

SECTION 2. 22-32-109.1 (2) (b) (IV), Colorado Revised Statutes, is amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations, EACH OF WHICH VIOLATIONS SHALL BE REPORTED ONLY IN THE MOST SERIOUS CATEGORY THAT IS APPLICABLE TO THAT VIOLATION, including but not limited to specific information on the number of and the action taken with respect to each of the following types of violations:

(A) Carrying, bringing, using, or possessing a dangerous weapon on school grounds, in school vehicles, or at school activities or sanctioned events without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in school vehicles, or at school activities or sanctioned events;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in school vehicles, or at school activities or sanctioned events;

(D) Use or possession of tobacco products on school grounds, in school vehicles, or at school activities or sanctioned events;

(E) Being ~~wilfully~~ WILLFULLY disobedient or openly and persistently defiant ~~and OR REPEATEDLY interfering with the orderly flow of information in a classroom~~ THE SCHOOL'S ABILITY TO PROVIDE EDUCATIONAL OPPORTUNITIES TO AND A SAFE ENVIRONMENT FOR OTHER STUDENTS;

(F) Commission of an act on school grounds that, if committed by an adult, would be considered ~~criminal assault, other than third degree~~

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~~assault~~ FIRST DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-202, C.R.S., SECOND DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-203, C.R.S., OR VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205, C.R.S.;

(G) Behavior on ~~or~~ off school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

~~(I) Repeated interference with the school's ability to provide educational opportunities to and a safe environment for other students~~
COMMISSION OF AN ACT ON SCHOOL GROUNDS THAT, IF COMMITTED BY AN ADULT, WOULD BE CONSIDERED THIRD DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-204, C.R.S.;

(J) Commission of an act on school grounds that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.

SECTION 3. 22-7-605 (5) (b) (I), Colorado Revised Statutes, is amended to read:

22-7-605. School accountability reports - format. (5) **Safety and school environment.** The accountability report shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(b) **Safety and discipline.** The "Safety and School Environment" page shall contain the subtitle, "Safety and Discipline" and the following explanation: "Safe schools are a top priority for parents, teachers, and communities. Your school's safety and discipline record for the [year] - [year] school year is:". Immediately underneath this explanation shall be a table with the following seven columns:

(I) The first column, entitled "Type of Incident", shall contain the following seven lines:

(A) "Substance Abuse -- Drugs";

(A.5) "Substance Abuse -- Alcohol";

(B) "Substance Abuse -- Tobacco";

(C) ~~"Assaults/Fights"~~ "ASSAULTS AND VEHICULAR ASSAULTS";

(C.5) "FIGHTS AND DISRUPTIVE CONDUCT";

(D) ~~"Habitually Disruptive Students"~~;

(E) ~~"Deadly"~~ "POSSESSION OF DANGEROUS Weapons"; and

(F) (Deleted by amendment, L. 2001, p. 1509, § 40, effective July 1, 2002.)

(G) "Other Violations of Code of Conduct".

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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MESSAGE FROM THE HOUSE

February 10, 2006
Madame President:

The House has adopted and transmits herewith HJR06-1012.

TRIBUTES

Honoring:

Beverly Rich -- by Senator Isgar.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, February 13, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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