

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

56th Legislative Day

Tuesday, March 7, 2006

Prayer By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado.

Pledge By Senator Groff.

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

Roll Call Present--31.
Absent--2; Evans, Grossman.
Excused--2; Mitchell, Tupa.
Present later--Evans, Grossman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Teck, reading of the Journal of March 6, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

RECALL OF HB06-1087

Senator Gordon moved for recall of **HB06-1087** for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**. The bill was ordered recalled.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB06-1179** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 15, after "INDEMNIFICATION", insert "OR CREATE A WAIVER OF SOVEREIGN IMMUNITY".

Judiciary After consideration on the merits, the Committee recommends that **HB06-1125** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1103** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1112** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 18, strike "SHALL" and substitute "MAY";

line 19, after the period, add "THE DECISION TO FINE SHALL BE BASED ON PRIOR VIOLATIONS OF THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1) BY THE SHERIFF OR POLICE CHIEF AND THE WILLINGNESS OF THE SHERIFF OR POLICE CHIEF TO ADDRESS THE VIOLATIONS IN ORDER TO COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (1).".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

INTRODUCTION OF BILLS -- FIRST READING

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

SB06-206 by Senator(s) Groff, Grossman, Shaffer; also Representative(s) Green--Concerning a prohibition on the smuggling of humans into Colorado, and making an appropriation in connection therewith.
Judiciary

SB06-207 by Senator(s) Groff, Grossman, Shaffer; also Representative(s) Borodkin--Concerning a prohibition against trafficking in humans, and making an appropriation in connection therewith.
Judiciary

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:

SB06-038 by Senator(s) Tapia; also Representative(s) Knoedler--Concerning investigation of insurance fraud, and making an appropriation.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	E	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	E
Entz	Y	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	Y		

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

HB06-1030 by Representative(s) Coleman, Carroll M., Cerbo; also Senator(s) Veiga--Concerning the requirement that an insurer make certain disclosures to consumers regarding the content of automobile insurance policies.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	E	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Bacon, Fitz-Gerald, Groff, Hagedorn, Sandoval, Shaffer, Williams and Windels.

HB06-1055 by Representative(s) Coleman; also Senator(s) Shaffer--Concerning a modification to the exception to the limitation on medical impairment benefits for workers' compensation claims based on mental impairment.

Laid over until Wednesday, March 8, retaining its place on the calendar.

SB06-067 by Senator(s) Hanna; also Representative(s) Kerr--Concerning suicidal behavior among students in higher education.

Laid over until Wednesday, March 8, retaining its place on the calendar.

HB06-1023 by Representative(s) King; also Senator(s) Windels--Concerning educator licensure.

Laid over until Wednesday, March 8, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB06-1250, HB06-1093) of March 7 was laid over until Wednesday, March 8, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills calendar (HB06-1174, HB06-1143, SB06-090, SB06-129, SB06-072, SB06-176, SB06-027, SB06-020, HB06-1181, SB06-052, HB06-1265, HB06-1069, HB06-1079, HB06-1177, HB06-1005) of March 7 was laid over until Wednesday, March 8, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Owens were read and assigned to Committees as follows:

December 23, 2005

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

for terms expiring January 1, 2010:

Mark J. Cavanaugh of Denver, Colorado, reappointed;

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

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 1/10/06
Karen Goldman, Secretary of the Senate

Committee on Education

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

January 18, 2006

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration the following:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2008:

Mark N. Shelton of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Scott E. Holwick of Longmont, Colorado, and to serve as a Democrat from the Fourth Congressional District, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/6/06
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

July 25, 2005

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
FINANCIAL SERVICES BOARD

for terms expiring July 1, 2009:

Douglas A. Ferraro of Lone Tree, Colorado, to serve as an executive officer of a state credit union and as a Republican, reappointed;

Stephen R. Williams of Gunnison, Colorado, to serve as an executive officer of a state savings and loan association and as a Democrat, reappointed;

Martelle Chapital of Westminster, Colorado, to serve as a public member with expertise in finance and as a Democrat, reappointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 8/2/05
Karen Kuhlmann, Asst. Secretary

Committee on Business, Labor & Technology

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

October 25, 2005

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

effective January 1, 2006 for a term expiring January 1, 2010:

Brian T. Bissell of Lakewood, Colorado, to serve as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 11/4/05
Karen Kuhlmann, Asst. Secretary

Committee on Education

January 18, 2006

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for a term expiring January 1, 2010:

Michael D. Pugh of Pueblo, Colorado, to serve as a Republican, reappointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/6/06
Karen Goldman, Secretary of the Senate

Committee on Education

January 24, 2006

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit for your consideration, the following:

MEMBERS OF THE COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2006:

Patricia G. Imhoff of Greenwood Village, Colorado, to fill the vacancy occasioned by the removal of Natalie Meyer of Denver, Colorado, and to serve as a member from the Sixth Congressional District with experience in business in a management-level capacity and as a Democrat, appointed;

for terms expiring July 1, 2007:

William J. Hybl of Colorado Springs, Colorado, to fill the vacancy occasioned by the removal of Robert A. Millman of Colorado Springs, Colorado, and to serve as a member from the Fifth Congressional District and to serve as an attorney and as a Republican, appointed;

Meyer M. Saltzman of Denver, Colorado, to fill the vacancy occasioned by the resignation of Barbara A. Jenkins of Lakewood, Colorado, and to serve as a member from the First Congressional District and to serve as a certified public accountant and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 1/26/05
Karen Goldman, Secretary of the Senate

Committee on Business, Labor & Technology

October 25, 2005

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for terms expiring January 1, 2010:

Jane D. North of Englewood, Colorado, reappointed;

Michael F. Feeley of Lakewood, Colorado, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 11/4/05
Karen Kuhlmann, Asst. Secretary

Committee on Education

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

January 18, 2006

To the Honorable
 Colorado Senate
 Colorado General Assembly
 State Capitol Building
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS**

for a term expiring January 1, 2007:

Ryan L. Hettich of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Diedra A. Garcia of Lakewood, Colorado, and to serve as an employer whose liability is insured by Pinnacle Assurance, appointed;

for terms expiring January 1, 2011:

Paul J. Suss of Centennial, Colorado, to serve as an employer whose liability is insured by Pinnacle Assurance, reappointed;

Debra E. Lovejoy of Colorado Springs, Colorado, to serve as an employee representative whose liability is insured by Pinnacle Assurance, reappointed.

Sincerely,
 (signed)
 Bill Owens
 Governor
 Rec'd: 2/6/06
 Karen Goldman, Secretary of the Senate

Committee on Business, Labor & Technology

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

**MEMBERS OF THE
STATE BOARD OF HUMAN SERVICES**

for a term expiring March 1, 2007:

Gregory A. Etl of Iliff, Colorado, to serve as a representative of county commissioners, appointed.

for a term expiring March 1, 2009:

Jean P. Snoddy of Aurora, Colorado, to fill the vacancy occasioned by the resignation of Shirl McGuire-Belden of Grand Junction, Colorado, and to serve as a member of the public, appointed.

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

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

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

for a term expiring at the pleasure of the Governor:

Howard A. Roitman of Denver, Colorado, to serve as a Democrat, appointed.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB06-1215 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of education.

Laid over until Wednesday, March 8, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Engrossed: SB06-038, and 067; SJR06-012; SR06-004.

Correctly Revised: HB06-1023, 1055, and 1030.

Correctly Rerevised: HB06-1035, 1039, 1059, 1068, 1081, 1104, 1142, 1180, 1187, and 1319.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1002, 1009, 1027, 1042, 1051, 1094.

TRIBUTES

Honoring:

Adams State College Women's Cross Country Team -- by Senator Entz.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 7 was laid over until Wednesday, March 8, retaining its place on the calendar.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, March 8, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19