

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

---

77th Legislative Day

Tuesday, March 28, 2006

---

Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish, Denver.

Pledge By Senator Keller.

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

Roll Call Present--34.  
Absent--1; Dyer.  
Present later--Dyer.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Traylor, reading of the Journal of March 27, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

---

**COMMITTEE OF REFERENCE REPORTS**

Business, Labor, & Technology The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE  
STATE HOUSING BOARD**

for a term expiring January 31, 2009:

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

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB06-1356** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB06-1251** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 4 and 5 and substitute the following:

"UNCONSCIONABLE IF IT REFLECTS ONLY TEN PERCENT ABOVE THE SELLER'S TOTAL COST OF OBTAINING THE GOOD OR SERVICE, THE AVERAGE PROFIT";

line 6, strike "DURING THE THIRTY DAYS";

line 9, strike "OR FOLLOWING";

strike lines 17 and 18 and substitute the following:

"ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS SECTION; EXCEPT THAT IN NO CASE SHALL THE PENALTY EXCEED TEN THOUSAND DOLLARS PER DAY.";

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

strike line 27 and substitute the following:

"EMERGENCY BY THE GOVERNOR PURSUANT TO SECTION 24-32-2104, C.R.S."

Page 4, strike line 1;

strike lines 9 and 10 and substitute the following:

"OR STEAM UTILITY."

**MESSAGE FROM THE HOUSE**

March 27, 2006  
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1176, amended as printed in House Journal, March 21, page 843. HB06-1344, amended as printed in House Journal, March 24, pages 890-891. HB06-1006, amended as printed in House Journal, March 24, pages 893-894.

The House has passed on Third Reading and returns herewith SB06-042, 119, 060, 023, 199.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-112, amended as printed in House Journal, March 23, page 876. SB06-025, amended as printed in House Journal, March 23, page 877. SB06-113, amended as printed in House Journal, March 23, page 890.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB06-137, amended on Third Reading as printed in House Journal March 27.

The House has voted to concur in the Senate amendments to HB06-1088, 1137, 1174, 1190, and has repassed the bills as so amended.

The House has voted to concur in the Senate amendments to HJR06-1017, and has repassed the resolution as so amended.

March 27, 2006  
Madame President:

The House has postponed indefinitely SB06-040. The bill is returned herewith.

**MESSAGE FROM THE REVISOR OF STATUTES**

March 27, 2006

We herewith transmit:

Without comment, as amended, HB06-1006, 1176, and 1344.  
Without comment, as amended, SB06-025, 112, 113, and 137.

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**SJR06-022** by Senator(s) Evans; --Concerning the appropriate regulation of emissions of nitrogen oxides.

Laid over one day under Senate Rule 30(b).

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

**SJR06-023** by Senator(s) Tochtrop, Lamborn; also Representative(s) Garcia--Concerning remembrance of the Armenian Genocide on April 24, 2006, and every April 24 hereafter, as "Colorado Day of Remembrance of the Armenian Genocide".

Laid over one day under Senate Rule 30(b).

**INTRODUCTION OF BILLS -- FIRST READING**

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

**HB06-1006** by Representative(s) Butcher; also Senator(s) Tapia--Concerning referral by an insurance company of an insured to a personal property repair business, and making an appropriation in connection therewith.

Business, Labor and Technology

**HB06-1176** by Representative(s) Ragsdale; also Senator(s) May R.--Concerning the authorization of kit motor vehicles.

Transportation

**HB06-1278** by Representative(s) Weissmann; also Senator(s) Keller--Concerning the public reporting of hospital statistics by means of a hospital report card, and making an appropriation therefor.

Business, Labor and Technology

**HB06-1344** by Representative(s) Plant, Madden; also Senator(s) Fitz-Gerald--Concerning authorization of domestic partnerships between same-sex couples, and, in connection therewith, creating the "Colorado Domestic Partnership Benefits and Responsibilities Act" to extend benefits, protections, and responsibilities to such couples, and making an appropriation.

Business, Labor and Technology

**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 Wednesday, March 29, retaining its place on the calendar.

**HB06-1244** by Representative(s) Hall, Plant, Buescher; also Senator(s) Owen, Tapia, Keller--Concerning a grant of authority to the transportation commission to allocate moneys from the aviation fund for the administrative costs of the aeronautics division in the department of transportation.

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	A	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: Entz and Taylor.

**HB06-1016** by Representative(s) Lindstrom, Larson; also Senator(s) Spence--Concerning the issuance of a temporary registration for commercial movers of household goods.

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

YES	33	NO	1	EXCUSED	0	ABSENT	1
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	A	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	N	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**.

**SB06-073** by Senator(s) Tapia; also Representative(s) Merrifield--Concerning the age specifications relating to compulsory school attendance.

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

Third Reading Amendment No. 1(L.010), by Senator Tapia.

Amend the engrossed bill, page 4, after line 9, insert the following:

**"SECTION 3.** 22-33-104.6 (4) (a) (II), Colorado Revised Statutes, is amended, and the said 22-33-104.6 (4) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**22-33-104.6. On-line program - legislative declaration - authorized - definitions.** (4) **Funding.** (a) For the 2003-04 budget year and for each budget year thereafter, except as otherwise provided in subsection (5) of this section, a school district, for purposes of determining total program funding under the "Public School Finance Act of 1994", article 54 of this title, may not count a student in the school district's on-line pupil enrollment who enrolls in or transfers to an on-line program within the school district, unless:

(II) The student, in the preceding school year, was not enrolled in any private school, did not participate in a nonpublic home-based education program, and did not participate in home instruction by a licensed or certified teacher; OR

(III) THE STUDENT IS ENROLLING IN KINDERGARTEN OR FIRST GRADE IN AN ON-LINE PROGRAM."

Renumber succeeding sections accordingly.

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

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

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

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

Co-sponsors added: Bacon, Fitz-Gerald, Gordon, Groff, Sandoval, Shaffer, Tochtrop, Tupa, Veiga, Williams and Windels.

---

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

**HB06-1115** by Representative(s) May M., Cerbo, Cloer; also Senator(s) Groff, Brophy--Concerning required information on collision damage waivers in advertising for rental motor vehicles, and, in connection therewith, requiring lessors of rental motor vehicles to disclose collision damage waiver rates in advertising that includes rental rates.

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

**HB06-1353** by Representative(s) Carroll T.; also Senator(s) Grossman--Concerning the development of standards for the performance of competency evaluations in criminal cases.

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

**HB06-1332** by Representative(s) McKinley; also Senator(s) Kester--Concerning the classification of Las Animas county for purposes of fixing the salaries of county officers.

Upon request of Senator Gordon, **HB06-1332** was removed from the Consent Calendar of March 28 and placed at the end of the General Orders -- Second Reading of Bills calendar of Wednesday, March 29.

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

On motion of Senator Gordon, 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: HB06-1115, HB06-1353.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Wednesday, March 29: HB06-1332.

---

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

**HB06-1249** by Representative(s) Judd, Larson, Massey, Sullivan; also Senator(s) Takis--Concerning granting authority to a pregnant minor to approve perinatal medical care for the minor's pregnancy intended to result in a live birth of a child, and, in connection therewith, limiting the authority to approving prenatal, delivery, and post-delivery medical care related to the intended live birth of a child.

(Amended in General Orders as printed in Senate Journal, March 27, page 629.)

As amended, 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.)

**SB06-110** by Senator(s) Wiens; --Concerning the creation of fraudulent documents for the purpose of unlawfully establishing legal status, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 3, page 392 and placed in members' bill files.)

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

Amendment No. 3(L.008), by Senator Wiens.

Amend the Judiciary Committee Report dated March 1, 2006, page 1, line 7, strike "KNOWINGLY" and substitute "RECKLESSLY".

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

**SB06-144** by Senator(s) Tupa, Bacon, Tapia, Williams, Windels; also Representative(s) Plant, Benefield, Buescher, Cerbo, Decker, Gallegos, Madden, Massey, McFadyen, McKinley, Merrifield, Pommer, Solano, Todd, Weissmann, White--Concerning health insurance benefits for instructors at institutions of higher education.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 6, pages 406-408 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 24, pages 599-601 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Tupa.

Amend the corrected Appropriations Committee Report, dated March 17, 2006, page 3, strike lines 6 through 15 and substitute the following;

**"SECTION 2. 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."."

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

**HB06-1120** by Representative(s) Buescher, Borodkin, Coleman, Curry, Hoppe, McKinley, Plant, White; also Senator(s) Tupa--Concerning restrictions on the authority of wineries to ship wine to personal consumers.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, March 2, page 388 and placed in members' bill files.)

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

**SB06-105** by Senator(s) Takis; also Representative(s) Cerbo--Concerning the regulation of mechanical conveyances.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, March 2, pages 384-385 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 17, page 533 and placed in members' bill files.)

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

Amend the Appropriations Committee Report, dated March 17, 2006, page 2, line 19, strike ""CONVEYANCE," and substitute ""CONVEYANCES,".

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

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

- SB06-024** by Senator(s) Spence; --Concerning student data from the elementary to secondary education system through the postsecondary education system. 1  
2  
3  
Amendment No. 1, Education Committee Amendment. 4  
(Printed in Senate Journal, February 16, page 218 and placed in members' bill files.) 5  
6  
Amendment No. 2(L.005), by Senator Spence. 7  
8  
Amend the Education Committee Report, dated February 15, 2006, page 9  
1, strike lines 3 and 4 and substitute the following: 10  
11  
"line 13, strike "EDUCATION SYSTEM AS" and substitute "PUBLIC 12  
EDUCATION SYSTEM, INCLUDING PUBLIC PRE-KINDERGARTEN PROGRAMS, 13  
AS";". 14  
15  
Amendment No. 3(L.006), by Senator Spence. 16  
17  
Amend printed bill, page 3, line 4, after the period, add "THE POLICY 19  
SHALL ADDITIONALLY REQUIRE THE COMMISSION, UPON REQUEST, TO 20  
SHARE STUDENT DATA WITH QUALIFIED RESEARCHERS. FOR PURPOSES OF 21  
THIS SECTION, QUALIFIED RESEARCHERS SHALL INCLUDE, BUT NEED NOT 22  
BE LIMITED TO, INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, 23  
AND PUBLIC POLICY RESEARCH AND ADVOCACY ORGANIZATIONS."; 24  
25  
line 18, after the period, add "THE POLICY SHALL ADDITIONALLY REQUIRE 26  
THE STATE BOARD, UPON REQUEST, TO SHARE STUDENT DATA WITH 27  
QUALIFIED RESEARCHERS. FOR PURPOSES OF THIS SECTION, QUALIFIED 28  
RESEARCHERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, 29  
INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND PUBLIC 30  
POLICY RESEARCH AND ADVOCACY ORGANIZATIONS.". 31  
32  
33  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 34  
Passage. 35  
36
- SB06-195** by Senator(s) Veiga; also Representative(s) Coleman--Concerning modifications to the 37  
"Colorado Employment Security Act" to conform with the requirements of federal law. 38  
39  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 40  
41
- HB06-1119** by Representative(s) Marshall, Harvey, Madden, Paccione; also Senator(s) Keller-- 42  
Concerning security breaches regarding personal identifying information. 43  
44  
Amendment No. 1, Judiciary Committee Amendment. 45  
(Printed in Senate Journal, March 14, page 494 and placed in members' bill files.) 46  
47  
Amendment No. 2(L.016), by Senator Keller. 48  
49  
Amend reengrossed bill, page 5, line 14, strike "INVESTIGATION." and 50  
substitute "INVESTIGATION AND THE LAW ENFORCEMENT AGENCY HAS 51  
NOTIFIED THE INDIVIDUAL OR COMMERCIAL ENTITY THAT CONDUCTS 52  
BUSINESS IN COLORADO NOT TO SEND NOTICE REQUIRED BY THIS 53  
SECTION."; 54  
55  
line 17, strike "INVESTIGATION." and substitute "INVESTIGATION AND HAS 56  
NOTIFIED THE INDIVIDUAL OR COMMERCIAL ENTITY THAT CONDUCTS 57  
BUSINESS IN COLORADO THAT IT IS APPROPRIATE TO SEND THE NOTICE 58  
REQUIRED BY THIS SECTION.". 59  
60  
61  
As amended, ordered revised and placed on the calendar for Third Reading and Final 62  
Passage. 63  
64
- HB06-1269** by Representative(s) Cloer, Butcher, Benefield, Carroll T., Gardner, Hefley, Larson, 65  
Lundberg, Merrifield, Riesberg, Todd, White; also Senator(s) Tochtrop--Concerning 66  
creation of a nursing faculty fellowship program. 67  
68  
Ordered revised and placed on the calendar for Third Reading and Final Passage. 69  
70

**HB06-1299** by Representative(s) McCluskey, Larson, Coleman, Benefield, Berens, Buescher, Carroll T., Frangas, Hall, Jahn, Kerr, Knoedler, Liston, Penry, Todd, White, Witwer; also Senator(s) Sandoval, Hagedorn, Kester, Owen, Shaffer, Tochtrop--Concerning requirements for providers of medical goods under the medical assistance program.

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

Amend reengrossed bill, page 3, after line 6, insert the following:

**"SECTION 2. Relocation of harmonizable provisions.** Section 26-4-410.7, Colorado Revised Statutes, as enacted in section 1 of this act will be renumbered as and relocated to section 25.5-4-416, Colorado Revised Statutes, only if Senate Bill 06-219 is enacted and becomes law."

Renumber succeeding section accordingly.

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

**HB06-1075** by Representative(s) Todd; also Senator(s) Williams--Concerning the sale of surplus state property.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 21, page 565 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 (HB06-1169, HB06-1102, HB06-1189, HB06-1267, HB06-1108, HB06-1107, HB06-1268, HB06-1076, HB06-1334, HB06-1354, SB06-109 as amended, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1264, SB06-209, HB06-1285, HB06-1260, HB06-1357, HB06-1162, HB06-1275, HB06-1209, HB06-1271, HB06-1289, HB06-1288, HB06-1109, SB06-179, SB06-063, SB06-064) was laid over until the next General Orders -- Second Reading of Bills calendar, Tuesday, March 28, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB06-1249** by Representative(s) Judd, Larson, Massey, Sullivan; also Senator(s) Takis--Concerning granting authority to a pregnant minor to approve perinatal medical care for the minor's pregnancy intended to result in a live birth of a child, and, in connection therewith, limiting the authority to approving prenatal, delivery, and post-delivery medical care related to the intended live birth of a child.

Senators Traylor and Mitchell moved to amend the Report of the Committee of the Whole to show that the following Traylor floor amendment, (L.011) to HB 06-1249, did pass.

Amend reengrossed bill, page 2, line 8, after the period, add "SUCH AUTHORIZATION SHALL NOT BE CONSTRUED TO LIMIT THE MEDICAL CARE GIVER'S AUTHORITY TO CONSULT WITH THE MINOR'S PARENTS."

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

YES	17	NO	18	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	Y	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		



**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Shaffer, 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: HB06-1249 as amended, SB06-110 as amended, SB06-144 as amended, HB06-1120 as amended, SB06-105 as amended, SB06-024 as amended, SB06-195, HB06-1119 as amended, HB06-1269, HB06-1299 as amended, HB06-1075 as amended.

Laid over until the next General Orders -- Second Reading of Bills calendar, Tuesday, March 28, retaining its place on the calendar: HB06-1169, HB06-1102, HB06-1189, HB06-1267, HB06-1108, HB06-1107, HB06-1268, HB06-1076, HB06-1334, HB06-1354, SB06-109 as amended, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1264, SB06-209, HB06-1285, HB06-1260, HB06-1357, HB06-1162, HB06-1275, HB06-1209, HB06-1271, HB06-1289, HB06-1288, HB06-1109, SB06-179, SB06-063, SB06-064.

**COMMITTEE OF REFERENCE REPORTS**

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB06-1090** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 23 through 27.

Strike pages 5 through 11.

Page 12, strike lines 1 through 11 and substitute the following:

**"SECTION 4.** 13-80-103.7, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**13-80-103.7. General limitation of actions - sexual assault - six years - sexual offense against a child - unlimited - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PERSON UNDER DISABILITY" MEANS A PERSON:

(I) (A) WHO IS A MINOR UNDER EIGHTEEN YEARS OF AGE, A MENTAL INCOMPETENT, OR A PERSON UNDER OTHER LEGAL DISABILITY; AND

(B) WHO DOES NOT HAVE A LEGAL GUARDIAN; OR

(II) (A) WHO IS A VICTIM OF A SEXUAL ASSAULT WHO IS IN A SPECIAL RELATIONSHIP WITH THE PERPETRATOR OF THE ASSAULT, OR A VICTIM WHO RESIDES IN AN INSTITUTIONAL FACILITY, SUCH AS A NURSING HOME, REGIONAL CENTER, OR RESIDENTIAL FACILITY FOR THE TREATMENT AND CARE OF PERSONS WITH MENTAL ILLNESS OR FOR THE CARE OF PERSONS WITH DEVELOPMENTAL DISABILITIES; AND

(B) WHO IS PSYCHOLOGICALLY OR EMOTIONALLY UNABLE TO ACKNOWLEDGE THE SEXUAL ASSAULT AND THE HARM RESULTING THEREFROM.

(b) "SEXUAL ASSAULT" MEANS SUBJECTING ANOTHER PERSON TO SEXUAL CONTACT, AS DEFINED IN SECTION 18-3-401 (4), C.R.S.; SEXUAL INTRUSION, AS DEFINED IN SECTION 18-3-401 (5), C.R.S.; OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6), C.R.S.

(c) "SEXUAL OFFENSE AGAINST A CHILD" MEANS AN "UNLAWFUL SEXUAL OFFENSE", AS THAT TERM IS DEFINED IN SECTION 18-3-411, C.R.S., THAT IS A FELONY OFFENSE.

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

(d) "SPECIAL RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN THE VICTIM AND THE PERPETRATOR OF THE SEXUAL ASSAULT THAT IS A CONFIDENTIAL, TRUST-BASED RELATIONSHIP, INCLUDING BUT NOT LIMITED TO AN ATTORNEY-CLIENT, A DOCTOR-PATIENT, A PSYCHOTHERAPIST-PATIENT, A MINISTER-PARISHIONER, A TEACHER-STUDENT, OR A FAMILIAL RELATIONSHIP.

(2) (a) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS SPECIFIED IN THIS ARTICLE, OR ANY OTHER PROVISION OF LAW THAT MAY BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET FORTH IN THIS SUBSECTION (2), A CIVIL ACTION ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL ASSAULT THAT IS NOT A SEXUAL OFFENSE AGAINST A CHILD SHALL BE COMMENCED AGAINST ANY PERSON, WHETHER THE PERPETRATOR OF THE OFFENSE OR ANOTHER PERSON OR ENTITY, WITHIN SIX YEARS AFTER THE CAUSE OF ACTION ACCRUES OR WITHIN SIX YEARS AFTER THE DISABILITY IS REMOVED FOR A PERSON UNDER DISABILITY, WHICHEVER OCCURS LATER, AND NOT THEREAFTER.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO LEAVE IN PLACE THE SIX-YEAR LIMITATION FOR A VICTIM OF SEXUAL ASSAULT THAT IS NOT A SEXUAL OFFENSE AGAINST A CHILD, EXCEPT IN THE CIRCUMSTANCE IN WHICH THE VICTIM IS A PERSON UNDER DISABILITY. IN THE CIRCUMSTANCE IN WHICH A VICTIM OF A SEXUAL ASSAULT THAT IS NOT A SEXUAL OFFENSE AGAINST A CHILD IS A PERSON UNDER DISABILITY, THE SIX-YEAR LIMITATION SHALL BE TOLLED UNTIL THE DISABILITY IS REMOVED.

(c) AS ELEMENTS OF A CAUSE OF ACTION BROUGHT BY A PLAINTIFF WHO WAS A PERSON UNDER DISABILITY, AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PLAINTIFF HAS THE BURDEN OF PROVING THAT THE ASSAULT OCCURRED AND THAT HE OR SHE WAS ACTUALLY PSYCHOLOGICALLY OR EMOTIONALLY UNABLE TO ACKNOWLEDGE THE ASSAULT AND THE HARM RESULTING THEREFROM.

(d) FOR THE PURPOSE OF THIS SUBSECTION (2), WHERE THE PLAINTIFF IS A VICTIM OF A SERIES OF SEXUAL ASSAULTS THAT ARE NOT SEXUAL OFFENSES AGAINST A CHILD, THE PLAINTIFF NEED NOT ESTABLISH WHICH ACT OF A SERIES OF ACTS CAUSED THE PLAINTIFF'S INJURY. THE STATUTE OF LIMITATIONS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL COMMENCE WITH THE LAST IN THE SERIES OF ACTS, SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (2) REGARDING PERSONS UNDER DISABILITY.

(3) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS SPECIFIED IN THIS ARTICLE, OR ANY OTHER PROVISION OF LAW THAT MAY BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET FORTH IN THIS SUBSECTION (3), A CIVIL ACTION ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD MAY BE COMMENCED AGAINST ANY PERSON, WHETHER THE PERPETRATOR OF THE OFFENSE OR ANOTHER PERSON OR ENTITY, AT ANY TIME AFTER THE CAUSE OF ACTION ACCRUES.

(4) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING SUBSECTIONS (2) AND (3) OF THIS SECTION TO EXTEND THE STATUTE OF LIMITATIONS AS TO CIVIL ACTIONS DESCRIBED IN THIS SECTION ACCRUING ON OR AFTER JULY 1, 2006, AND TO EXTEND THE STATUTE OF LIMITATIONS AS TO CIVIL ACTIONS DESCRIBED IN THIS SECTION FOR WHICH THE APPLICABLE STATUTE OF LIMITATIONS IN EFFECT PRIOR TO JULY 1, 2006, HAS NOT YET RUN ON JULY 1, 2006.

(5) NOTWITHSTANDING THE PROVISIONS OF SECTION 13-90-107, A PLAINTIFF WHO WAS A PERSON UNDER DISABILITY WHO FILES A CLAIM PURSUANT TO THIS SECTION IS DEEMED TO GRANT A LIMITED WAIVER OF THE DOCTOR-PATIENT PRIVILEGE OR THE PSYCHOLOGIST-PATIENT PRIVILEGE TO PERSONS WHO ARE NECESSARY TO RESOLVE THE CLAIM, AND A DOCTOR OR PSYCHOLOGIST WHO PROVIDED MEDICAL CARE AND TREATMENT OR COUNSELING AND TREATMENT TO THE PLAINTIFF FOR INJURIES UPON WHICH THE ACTION IS BASED MAY BE EXAMINED AS A WITNESS. ALL MEDICAL RECORDS PERTAINING TO ANY RELEVANT

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

MEDICAL CARE AND TREATMENT OR COUNSELING AND TREATMENT OF THE PLAINTIFF WHO WAS A PERSON UNDER DISABILITY ARE ADMISSIBLE INTO EVIDENCE IN THE ACTION AND SHALL BE AVAILABLE FOR INSPECTION UPON REQUEST BY THE PARTIES TO THE ACTION.

(6) IF A PLAINTIFF BRINGS A CIVIL ACTION UNDER THIS SECTION FIFTEEN YEARS OR MORE AFTER THE PLAINTIFF ATTAINS THE AGE OF EIGHTEEN, THE PLAINTIFF MAY RECOVER ACTUAL DAMAGES ONLY FOR MEDICAL AND COUNSELING TREATMENT AND EXPENSES. IN ADDITION, THE PLAINTIFF MAY RECOVER NONECONOMIC DAMAGES AS PROVIDED IN SECTION 13-21-102.5 AND EXEMPLARY DAMAGES AS PROVIDED IN SECTION 13-21-102, PLUS ATTORNEY FEES AND COSTS.

(7) IF THE PERPETRATOR OF A SEXUAL ASSAULT OR A SEXUAL OFFENSE AGAINST A CHILD IS DECEASED OR IS INCAPACITATED TO THE EXTENT THAT HE OR SHE IS INCAPABLE OF RENDERING A DEFENSE TO AN ACTION BROUGHT PURSUANT TO THIS SECTION, A PLAINTIFF MAY NOT BRING AN ACTION PURSUANT TO THIS SECTION, WHETHER AGAINST THE PERPETRATOR OR AGAINST A PERSON OR ENTITY OTHER THAN THE PERPETRATOR.

(8) THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO EXTEND OR SUSPEND THE STATUTE OF LIMITATIONS OR STATUTE OF REPOSE APPLICABLE TO A CLAIM ALLEGING NEGLIGENCE IN THE COURSE OF PROVIDING PROFESSIONAL SERVICES IN THE PRACTICE OF MEDICINE. THIS SUBSECTION (8) SHALL NOT BE CONSTRUED TO PRECLUDE PURSUING A CIVIL ACTION PURSUANT TO THIS SECTION ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL ASSAULT OR SEXUAL OFFENSE AGAINST A CHILD BASED ON A LEGAL THEORY OTHER THAN NEGLIGENCE IN THE COURSE OF PROVIDING PROFESSIONAL SERVICES IN THE PRACTICE OF MEDICINE, UNLESS THE SEXUAL ASSAULT OR SEXUAL OFFENSE AGAINST A CHILD FORMS THE BASIS FOR A CLAIM OF SUCH NEGLIGENCE.

**SECTION 5.** Article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 11  
CIVIL ACTIONS INVOLVING  
SEXUAL OFFENSES AGAINST CHILDREN**

**13-20-1101. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS THAT SEXUAL OFFENSES AGAINST CHILDREN EXACT AN UNACCEPTABLY HIGH COST ON SOCIETY AND ON THE LIVES OF COUNTLESS INNOCENT VICTIMS. IN THE INTEREST OF PROTECTING THE PUBLIC SAFETY, PROMOTING JUSTICE FOR VICTIMS, AND CREATING THE GREATEST POSSIBLE DETERRENT TO THE COMMISSION OF SEXUAL OFFENSES AGAINST CHILDREN, THE GENERAL ASSEMBLY HAS ENACTED SECTION 13-80-103.7 TO EXTEND THE STATUTE OF LIMITATIONS FOR BRINGING A CIVIL ACTION THAT ALLEGES LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD, WHETHER BROUGHT AGAINST THE PERPETRATOR OR AGAINST ANOTHER ENTITY OR PERSON. TO FURTHER ACCOMPLISH THE GOALS OF PUBLIC SAFETY, JUSTICE, AND DETERRENCE WITH REGARD TO CIVIL ACTIONS ALLEGING LIABILITY FOR INJURIES ARISING FROM SEXUAL OFFENSES COMMITTED AGAINST CHILDREN, THE GENERAL ASSEMBLY FINDS THAT IT IS NECESSARY TO ENACT THE PROVISIONS OF THIS PART 11.

**13-20-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "PUBLIC EMPLOYEE" SHALL HAVE THE SAME MEANING AS PROVIDED FOR SAID TERM IN SECTION 24-10-103 (4), C.R.S., AND SHALL INCLUDE AN "EMPLOYEE", AS DEFINED IN SECTION 22-12-103 (2), C.R.S.

(2) "PUBLIC ENTITY" SHALL HAVE THE SAME MEANING AS PROVIDED FOR SAID TERM IN SECTION 24-10-103 (5), C.R.S., AND SHALL INCLUDE AN "EDUCATIONAL ENTITY", AS DEFINED IN SECTION 22-12-103 (1), C.R.S.

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

(3) "SEXUAL OFFENSE AGAINST A CHILD" MEANS AN "UNLAWFUL SEXUAL OFFENSE", AS THAT TERM IS DEFINED IN SECTION 18-3-411, C.R.S., THAT IS A FELONY OFFENSE.

**13-20-1103. Confidentiality agreements - void.** THE GENERAL ASSEMBLY HEREBY FINDS THAT PROTECTION OF THE PUBLIC SAFETY REQUIRES THAT MEMBERS OF THE PUBLIC HAVE ACCESS TO INFORMATION CONCERNING AN ALLEGED SEXUAL OFFENSE AGAINST A CHILD THAT IS OR MAY BE THE BASIS OF A CIVIL ACTION ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD, WHETHER BROUGHT AGAINST THE PERPETRATOR OR AGAINST ANOTHER ENTITY OR PERSON. THEREFORE, AN AGREEMENT TO HOLD CONFIDENTIAL THE EXISTENCE OR THE NATURE OF AN ALLEGED SEXUAL OFFENSE AGAINST A CHILD OR THE NAME, LOCATION, OR EMPLOYMENT OF A PERSON WHO ALLEGEDLY COMMITS A SEXUAL OFFENSE AGAINST A CHILD IS DECLARED UNENFORCEABLE AS A CONTRACT AGAINST PUBLIC POLICY AND IS VOID AB INITIO. IF A CONFIDENTIALITY AGREEMENT AS DESCRIBED IN THIS SECTION IS INCLUDED WITHIN A SETTLEMENT AGREEMENT OR AN AGREEMENT NOT TO SUE, THE SETTLEMENT AGREEMENT OR AGREEMENT NOT TO SUE SHALL BE VOID ONLY AS TO THE CONFIDENTIALITY AGREEMENT, AND THE REMAINING PORTIONS OF THE SETTLEMENT AGREEMENT OR AGREEMENT NOT TO SUE MAY BE ENFORCED.

**13-20-1104. Access to court records.** WITH REGARD TO AN ACTION ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD, WHETHER FILED AGAINST THE PERPETRATOR OR AGAINST ANOTHER ENTITY OR PERSON, THE COURT MAY, UPON MOTION OF A PARTY TO THE ACTION, LIMIT ACCESS TO THE COURT FILES PERTAINING TO THE ACTION; EXCEPT THAT THE COURT SHALL NOT LIMIT ACCESS TO INFORMATION CONCERNING THE NATURE OF THE ALLEGED SEXUAL OFFENSE AGAINST A CHILD OR THE NAME, LOCATION, OR EMPLOYMENT OF THE PERSON WHO ALLEGEDLY COMMITTED THE SEXUAL OFFENSE AGAINST A CHILD.

**13-20-1105. Civil liability of public institutions and employees - sexual offense against a child - applicability.**

(1) (a) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-12-104, 24-10-105, AND 24-10-106, C.R.S., OR ANY OTHER STATUTE THAT PROHIBITS CIVIL ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES, A PERSON MAY BRING A CIVIL ACTION AGAINST A PUBLIC EMPLOYEE ALLEGING LIABILITY FOR INJURIES ARISING FROM COMMISSION BY THE PUBLIC EMPLOYEE OF A SEXUAL OFFENSE AGAINST A CHILD.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-12-104 (3), 24-10-109 (1), AND 24-10-118 (1) (a), C.R.S., REQUIRING THE FILING OF A WRITTEN NOTICE, A PERSON BRINGING AN ACTION PURSUANT TO THIS SUBSECTION (1) IS NOT REQUIRED TO FILE WRITTEN NOTICE AS A JURISDICTIONAL PREREQUISITE TO BRINGING THE ACTION. AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (1) SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 13-80-103.7.

(c) A PERSON WHO BRINGS AN ACTION PURSUANT TO THIS SUBSECTION (1) MAY RECOVER ACTUAL DAMAGES, DAMAGES FOR NONECONOMIC LOSS OR INJURY AS PROVIDED IN SECTION 13-21-102.5, AND EXEMPLARY DAMAGES AS PROVIDED IN SECTION 13-21-102, IN ADDITION TO SUCH COSTS AND ATTORNEY FEES AS THE COURT MAY AWARD.

(2) (a) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-12-104, 24-10-105, 24-10-106, AND 24-10-118 (2), C.R.S., OR ANY OTHER STATUTE THAT PROHIBITS CIVIL ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES, A PERSON MAY BRING A CIVIL ACTION ALLEGING NEGLIGENT SUPERVISION BY A PUBLIC ENTITY OR SUPERVISING PUBLIC EMPLOYEE THAT RESULTS IN INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD.

(b) IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2), THE PLAINTIFF SHALL HAVE THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT:

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

(I) THE PUBLIC ENTITY OR SUPERVISING PUBLIC EMPLOYEE KNEW OR WAS OTHERWISE ON NOTICE OF THE PROPENSITY OF AN EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE OF THE PUBLIC ENTITY FOR ENGAGING IN UNLAWFUL SEXUAL CONDUCT; AND

1  
2  
3  
4

(II) THE PUBLIC ENTITY OR SUPERVISING PUBLIC EMPLOYEE FAILED TO TAKE REASONABLE STEPS AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT BY THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE, INCLUDING BUT NOT LIMITED TO PREVENTING OR AVOIDING PLACEMENT OF THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE IN A POSITION, FUNCTION, OR ENVIRONMENT IN WHICH CONTACT WITH CHILDREN IS AN ESSENTIAL PART OF THE POSITION, FUNCTION, OR ENVIRONMENT; AND

5  
6  
7  
8  
9  
10  
11  
12  
13  
14

(III) AS A RESULT OF SAID FAILURE, THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE COMMITTED THE UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD THAT RESULTED IN THE INJURIES FOR WHICH LIABILITY IS ALLEGED.

15  
16  
17  
18  
19

(c) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-12-104 (3), 24-10-109 (1), AND 24-10-118 (1) (a), C.R.S., REQUIRING THE FILING OF A WRITTEN NOTICE, A PERSON BRINGING AN ACTION PURSUANT TO THIS SUBSECTION (2) IS NOT REQUIRED TO FILE WRITTEN NOTICE AS A JURISDICTIONAL PREREQUISITE TO BRINGING THE ACTION. AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2) SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 13-80-103.7.

20  
21  
22  
23  
24  
25  
26  
27

(d) A PERSON WHO BRINGS AN ACTION PURSUANT TO THIS SUBSECTION (2) MAY RECOVER DAMAGES AGAINST A PUBLIC ENTITY AS PROVIDED IN SECTION 24-10-114, C.R.S. A PERSON WHO BRINGS AN ACTION PURSUANT TO THIS SUBSECTION (2) MAY RECOVER DAMAGES AGAINST A PUBLIC EMPLOYEE AS PROVIDED IN SECTION 24-10-118 (1) (b), (1) (c), AND (1) (d), C.R.S.

28  
29  
30  
31  
32  
33  
34

(3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO CAUSES OF ACTION ACCRUING ON OR AFTER JULY 1, 2006, AND TO CAUSES OF ACTION ACCRUING BEFORE JULY 1, 2006, IF THE STATUTE OF LIMITATIONS THAT WOULD HAVE APPLIED, IF IMMUNITY AND THE REQUIREMENT OF WRITTEN NOTICE WERE WAIVED PRIOR TO JULY 1, 2006, HAS NOT YET RUN AS OF JULY 1, 2006.

35  
36  
37  
38  
39  
40  
41

**13-20-1106. Actions alleging negligent supervision by private employer or supervising employee - sexual offense against a child - applicability.** (1) A PERSON MAY BRING A CIVIL ACTION ALLEGING NEGLIGENT SUPERVISION BY A PRIVATE EMPLOYER OR A SUPERVISING EMPLOYEE THAT RESULTS IN INJURIES ARISING FROM COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD.

42  
43  
44  
45  
46  
47  
48

(2) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION, THE PLAINTIFF SHALL HAVE THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT:

49  
50  
51  
52

(a) THE EMPLOYER OR SUPERVISING EMPLOYEE KNEW OR WAS OTHERWISE ON NOTICE OF THE PROPENSITY OF AN EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE OF THE EMPLOYER FOR ENGAGING IN UNLAWFUL SEXUAL CONDUCT; AND

53  
54  
55  
56  
57

(b) THE EMPLOYER OR SUPERVISING EMPLOYEE FAILED TO TAKE REASONABLE STEPS AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT BY THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE, INCLUDING BUT NOT LIMITED TO PREVENTING OR AVOIDING PLACEMENT OF THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE IN A POSITION, FUNCTION, OR ENVIRONMENT IN WHICH CONTACT WITH CHILDREN IS AN ESSENTIAL PART OF THE POSITION, FUNCTION, OR ENVIRONMENT; AND

58  
59  
60  
61  
62  
63  
64  
65  
66

(c) AS A RESULT OF SAID FAILURE, THE EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE COMMITTED THE UNLAWFUL

67  
68  
69

SEXUAL OFFENSE AGAINST A CHILD THAT RESULTED IN THE INJURIES FOR WHICH LIABILITY IS ALLEGED.

(3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO CAUSES OF ACTION FILED ON OR AFTER JULY 1, 2006."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB06-1256** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike line 15 and substitute the following:

"(5) "Dependent" means:

(a) An employee's legal spouse; each".

Page 5, after line 3, insert the following:

"(b) ANY PERSON AUTHORIZED BY THE DIRECTOR TO BE A DEPENDENT IN RESPONSE TO STATUTORY CHANGES MADE TO MANDATED COVERAGE FOR GROUP BENEFITS INSURANCE PURSUANT TO TITLE 10, C.R.S. THE DIRECTOR SHALL SPECIFY ANY ADDITIONAL DEPENDANTS BY RULE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE."

**SENATE SERVICES REPORT**

- Correctly Printed:** SB06-220, 221, and 222; SJR06-020, and 021.
- Correctly Engrossed:** SB06-073.
- Correctly Reengrossed:** SB06-201, and 202.
- Correctly Revised:** HB06-1016, and 1244.
- Correctly Rerevised:** HB06-1066, 1077, 1121, 1123, 1148, 1165, 1183, 1196, 1240, 1247, 1255, 1273, and 1335.

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

The President has signed: HB06-1041, 1103, 1106, 1141, 1204, 1242, 1243, 1320, 1341, HJR06-1013.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole

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

**HB06-1169** by Representative(s) Decker, Cloer, Harvey, Todd; also Senator(s) Bacon--Concerning protecting personal information in domestic case filings that are open to inspection by the public.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 21, pages 567-568 and placed in members' bill files.)

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

**HB06-1102** by Representative(s) Carroll T.; also Senator(s) Grossman--Concerning changes to strengthen the state criminal procedural law.

Amendment No. 1(L.015), by Senator Gordon.

Amend reengrossed bill, page 5, after line 26, insert the following:

**"SECTION 6.** 19-2-517 (1) (a), Colorado Revised Statutes, is amended to read:

**19-2-517. Direct filing.** (1) (a) A juvenile may be charged by the direct filing of an information in the district court or by indictment only when:

(I) The juvenile is fourteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE and is alleged to have committed a class 1 or class 2 felony; or

(II) The juvenile is fourteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE and:

(A) Is alleged to have committed a felony enumerated as a crime of violence pursuant to section 18-1.3-406, C.R.S.; or

(B) Is alleged to have committed a felony offense described in part 1 of article 12 of title 18, C.R.S., except for the possession of a handgun by a juvenile, as set forth in section 18-12-108.5, C.R.S.; or

(C) Is alleged to have used, or possessed and threatened the use of, a deadly weapon during the commission of felony offenses against the person, which are set forth in article 3 of title 18, C.R.S.; or

(D) Is alleged to have committed vehicular homicide, as described in section 18-3-106, C.R.S., vehicular assault, as described in section 18-3-205, C.R.S., or felonious arson, as described in part 1 of article 4 of title 18, C.R.S.; or

(III) The juvenile has, within the two previous years, been adjudicated a juvenile delinquent for a delinquent act that constitutes a felony, is sixteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE, and allegedly has committed a crime defined by section 18-1.3-401, C.R.S., as a class 3 felony, except felonies defined by section 18-3-402 (1) (d), C.R.S., or section 18-3-403 (1) (e), C.R.S., as it existed prior to July 1, 2000; or

(IV) The juvenile is fourteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE, has allegedly committed a delinquent act that constitutes a felony, and has previously been subject to proceedings in district court as a result of a direct filing pursuant to this section or a transfer pursuant to section 19-2-518; except that, if a juvenile is found not guilty in the district court of the prior felony or any lesser included offense, the subsequent charge shall be remanded back to the juvenile court; or

(V) The juvenile is fourteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE, has allegedly committed a delinquent act that constitutes a felony, and is determined to be an "habitual juvenile offender". For the purposes of this section, "habitual juvenile offender" is defined in section 19-1-103 (61).

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

**SECTION 7.** 19-2-518 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**19-2-518. Transfers.** (1) (a) The juvenile court may enter an order certifying a juvenile to be held for criminal proceedings in the district court if:

(I) A petition filed in juvenile court alleges the juvenile is:

(A) Twelve or thirteen years of age AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE and is a juvenile delinquent by virtue of having committed a delinquent act that constitutes a class 1 or class 2 felony or a crime of violence, as defined in section 18-1.3-406, C.R.S.; or

(B) Fourteen years of age or older AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE and is a juvenile delinquent by virtue of having committed a delinquent act that constitutes a felony; and".

Renumber succeeding section accordingly.

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

**HB06-1189** by Representative(s) Cadman; also Senator(s) Veiga--Concerning civil actions brought against public entities and employees to recover damages paid for injuries governed by the "Colorado Governmental Immunity Act".

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

**HB06-1267** by Representative(s) Riesberg; also Senator(s) Mitchell--Concerning child support.

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

**HB06-1108** by Representative(s) Benefield, Borodkin, Butcher, Carroll M., Green, Marshall, McGihon, Merrifield, Solano, Todd, Vigil, Witwer, Larson, Massey; also Senator(s) Shaffer, Williams, Windels--Concerning a requirement that courts order minors under eighteen years of age who are convicted of traffic violations other than traffic infractions to attend a driver improvement school.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, March 22, page 571 and placed in members' bill files.)

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

**HB06-1107** by Representative(s) Benefield, Cloer, Green, Larson, Lindstrom, McFadyen, Solano, Sullivan, Vigil; also Senator(s) Shaffer--Concerning the requirements pertaining to the issuance of instruction permits to minors.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, March 22, pages 571-572 and placed in members' bill files.)

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

**HB06-1268** by Representative(s) Riesberg; also Senator(s) Bacon--Concerning the right of cemeteries to reclaim abandoned interment sites.

Amendment No. 1, Local Government Committee Amendment.  
(Printed in Senate Journal, March 22, pages 578-580 and placed in members' bill files.)

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

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



**HB06-1076** by Representative(s) Penry; also Senator(s) Traylor--Concerning immunity from civil liability under the "Volunteer Service Act".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 22, page 580 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Traylor.

Amend reengrossed bill, page 2, line 8, after "corporation," insert "A GOVERNMENTAL ENTITY,";

line 18, after "corporation," insert "A GOVERNMENTAL ENTITY,";

line 23, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,".

Page 3, line 4, after "CORPORATION," insert "A GOVERNMENTALENTITY,";

line 10, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 17, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 22, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 26, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,".

Page 4, line 8, after "CORPORATION," insert "A GOVERNMENTALENTITY,";

line 12, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 18, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 23, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,".

Page 5, line 1, after "CORPORATION," insert "A GOVERNMENTALENTITY,";

line 5, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 11, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,";

line 16, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,".

Amend the Judiciary Committee Report, dated March 21, 2006, page 1, strike line 1 and substitute the following:

"Amend reengrossed bill, page 5, strike line 21 and substitute "CORPORATION, A GOVERNMENTAL ENTITY, OR A HOSPITAL;"";

strike line 2 of the committee report and substitute the following:

"line 26, after "CORPORATION," insert "A GOVERNMENTAL ENTITY," and strike "HOSPITAL." and substitute "HOSPITAL; AND;"";

line 7 of the committee report, after "CORPORATION," insert "A GOVERNMENTAL ENTITY,".

Amend reengrossed bill, page 5, line 27, after "corporation," insert "A GOVERNMENTAL ENTITY,".

Page 6, line 12, after "SEQ.;" add "AND";

line 16, strike "(a); and" and substitute "(a).";

strike lines 17 through 24 and substitute the following:

~~"(III) The damage or injury was not caused by gross negligence or by willful and wanton misconduct by such volunteer if such volunteer is a licensed physician and the physician's volunteer status was declared before the medical procedure occurred and the patient receiving the volunteered medical care, or the patient's representative, agreed in writing~~

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

~~beforehand to accept such volunteered care after disclosure that the patient's right to sue the volunteer physician will be subject to the limitations of this section.";~~

line 27, after "corporation,", insert "A GOVERNMENTAL ENTITY,".

Page 7, line 2, after "corporation,", insert "A GOVERNMENTAL ENTITY,";

line 5, after "CORPORATION,", insert "A GOVERNMENTAL ENTITY,".

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

**HB06-1334** by Representative(s) Clapp; also Senator(s) Gordon--Concerning the confidentiality of evaluations performed in proceedings involving the allocation of parental responsibilities with respect to children.

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

**HB06-1354** by Representative(s) Madden; also Senator(s) Teck--Concerning the amount of the fair market value of a conservation easement in gross donated to a nonprofit entity that may be claimed as a credit against the state income tax.

Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, March 22, pages 582-583 and placed in members' bill files.)

As amended, ordered revised 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.

(Amended in General Orders as printed in Senate Journal, February 10, page 177; February 21, page 287; and March 21, page 563.)

Amendment No. 4(L.006), by Senator Veiga.

Strike the Tochtrop floor amendment No. 2 (L.005) as printed in Senate Journal, February 21, page 287, lines 14 through 18.

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

Strike the State, Veterans, and Military Affairs Committee Report, dated February 6, 2006, and substitute the following:

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

**SECTION 1.** Part 6 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**10-4-616.5. Statistics on effect of credit scoring - report to public - repeal.** (1) (a) THE COMMISSIONER SHALL COLLECT DATA FROM PROPERTY AND CASUALTY INSURERS TO DETERMINE WHETHER THERE EXISTS, FROM A MULTIVARIATE AND ACTUARIALLY SOUND BASIS, A CORRELATION BETWEEN THE INSURANCE-BASED CREDIT SCORING RESULTS OF POLICYHOLDERS AND THE RISK OF FUTURE INSURANCE LOSSES. IN COLLECTING SUCH DATA, THE COMMISSIONER SHALL PRESERVE THE ANONYMITY OF INSURERS AND POLICYHOLDERS. TO ACHIEVE THE PURPOSE OF THE STUDY, THE COMMISSIONER SHALL UNDERTAKE THE FOLLOWING TASKS:

(I) ON OR BEFORE APRIL 1, 2007, THE COMMISSIONER SHALL IDENTIFY, REVIEW, AND ANALYZE STUDIES AVAILABLE AS OF MAY 10, 2006. THE COMMISSIONER SHALL UTILIZE FINDINGS FROM STUDIES CONDUCTED BY OTHER STATES' INSURANCE BUREAUS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER RECOGNIZED PRIVATE SECTOR SOURCES

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

THAT ARE SIMILARLY FOCUSED ON DETERMINING WHETHER A CORRELATION EXISTS BETWEEN INSURANCE-BASED CREDIT SCORING AND THE RISK OF FUTURE INSURANCE LOSSES EXISTS, TAKING INTO CONSIDERATION THE STATISTICAL AND ACTUARIAL METHODS USED IN CONDUCTING THOSE STUDIES. UPON THE REVIEW AND ANALYSIS OF THE STUDIES, THE COMMISSIONER SHALL PRODUCE A SUMMARY REPORT FOR THE GENERAL ASSEMBLY.

1  
2  
3  
4  
5  
6  
7

(II) THE REPORT SHALL INCLUDE INFORMATION REGARDING THE DESIGN OF THE STUDY THAT WOULD BE NECESSARY AND THE ESTIMATED COST OF THE STUDY IF THE GENERAL ASSEMBLY WERE TO DIRECT THE DIVISION TO UNDERTAKE A STUDY USING COLORADO-SPECIFIC DATA TO DETERMINE WHETHER THERE EXISTS A CORRELATION BETWEEN INSURANCE-BASED CREDIT SCORING AND THE RISK OF FUTURE INSURANCE LOSSES. THE REPORT SHALL ALSO INCLUDE WHETHER THE USE OF INSURANCE-BASED CREDIT SCORING PROVIDES INSURERS WITH A PREDICTIVE LOSS MODEL THAT IS STRONGER THAN MODELS THAT DO NOT USE INSURANCE-BASED CREDIT SCORING.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

(III) THE COMMISSIONER MAY CONTRACT WITH OUTSIDE SOURCES TO PROVIDE THE NECESSARY RESEARCH AND ACTUARIAL SERVICES AS MAY BE NEEDED TO COMPLY WITH THIS SECTION ON OR BEFORE APRIL 1, 2007. AT A MINIMUM, THE COMMISSIONER, AFTER ANALYZING THE INFORMATION OBTAINED, SHALL CONTRACT WITH AN INDEPENDENT ACTUARY IN ORDER TO CERTIFY THE FINDINGS OF THE DIVISION AS TO WHETHER A CORRELATION EXISTS BETWEEN INSURANCE-BASED CREDIT SCORES AND THE FUTURE RISK OF INSURANCE LOSSES BASED ON THE DATA COLLECTED. AN ENTITY THAT PROVIDES CONTRACTED SERVICES SHALL:

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(A) BE A MEMBER OF THE AMERICAN ACADEMY OF ACTUARIES WHO EITHER IS A MEMBER OF THE CASUALTY ACTUARIAL SOCIETY OR HAS BEEN APPROVED BY THE CASUALTY PRACTICE COUNCIL OF THE ACADEMY;

29  
30  
31  
32

(B) HAVE NOT LESS THAN SEVEN YEARS OF RECENT ACTUARIAL EXPERIENCE IN EXAMINING DATA FOR THE PURPOSE OF ANALYZING WHETHER OR NOT A CORRELATION EXISTS BETWEEN SUCH DATA AND THE FUTURE RISK OF INSURANCE LOSSES;

33  
34  
35  
36  
37

(C) CERTIFY TO THE COMMISSIONER OF INSURANCE THAT SUCH ACTUARY IS INDEPENDENT OF ANY PROPERTY AND CASUALTY INSURER AND CAN RENDER AN UNBIASED, FAIR, AND IMPARTIAL OPINION; AND

38  
39  
40  
41

(D) PRESERVE THE ANONYMITY OF INSURERS AND POLICYHOLDERS.

42  
43  
44

(b) THE COMMISSIONER SHALL MAKE THE RESULTS, THE INDEPENDENT ACTUARIAL CERTIFICATION OF THE RESULTS, AND THE COMMISSIONER'S CONCLUSIONS AVAILABLE TO THE GENERAL ASSEMBLY AND THE PUBLIC AS SOON AS POSSIBLE BUT NO LATER THAN APRIL 1, 2007.

45  
46  
47  
48  
49

(2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2008.

50  
51

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of insurance, for the fiscal year beginning July 1, 2006, the sum of two hundred sixty-seven thousand four hundred fifty-nine dollars (\$267,459) and 3.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

52  
53  
54  
55  
56  
57  
58  
59  
60

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); 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,

61  
62  
63  
64  
65  
66  
67  
68

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Page 1, line 102, strike "PURPOSES." and substitute "PURPOSES, AND, IN CONNECTION THEREWITH, REQUIRING THE COMMISSIONER OF INSURANCE TO COLLECT AND MAKE AVAILABLE TO THE PUBLIC DATA THAT WOULD SUPPORT SUCH A PROHIBITION AND MAKING AN APPROPRIATION."."

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

**HB06-1264** by Representative(s) Hefley; also Senator(s) Grossman--Concerning the enactment of consistent provisions among the occupations regulated by the division of registrations in the department of regulatory agencies.

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

**SB06-209** by Senator(s) Windels; --Concerning creation of a task force to study Colorado's system of higher education financing.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 23, pages 592-593 and placed in members' bill files.)

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

Amend the Education Committee Report, dated March 22, 2006, page 1, strike lines 1 and 2 and substitute the following:

"Amend printed bill, page 2, line 11, strike "EDUCATION AND" and substitute "EDUCATION,";

line 12, strike "SYSTEM OR THE PRESIDENT'S" and substitute "SYSTEM, ONE REPRESENTATIVE FROM EACH PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION, AND ONE REPRESENTATIVE FROM A PRIVATE, FOR-PROFIT INSTITUTION OF HIGHER EDUCATION TO BE APPOINTED BY THE GOVERNOR.";"

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

Amend printed bill, page 2, after line 17, insert the following:

"(3) EACH PRIVATE INSTITUTION OF HIGHER EDUCATION SHALL MAKE AVAILABLE TO THE TASK FORCE THE INSTITUTION'S FINANCIAL RECORDS RELATING TO THE EXPENDITURES OF PUBLIC MONEYS."

Renumber succeeding subsections accordingly.

Page 3, line 21, strike "(4)" and substitute "(5)".

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

**HB06-1285** by Representative(s) Todd, Marshall, Benefield, Borodkin, Carroll T., Cerbo, Garcia, White, Weissmann, Paccione, Pommer, Kerr, Vigil, Green, Hodge, Knoedler, Liston, Massey, McCluskey, Merrifield, Solano; also Senator(s) Williams, Windels, Bacon, Entz, Kester, Spence, Traylor, Gordon, Evans--Concerning authorizing the university of Colorado to implement an accountable student program for students in health sciences professions.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 23, page 593 and placed in members' bill files.)

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

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

**HB06-1260** by Representative(s) Jahn; also Senator(s) Veiga--Concerning student loan programs in the department of higher education. 1  
2

Amendment No. 1, Education Committee Amendment. 3  
4

(Printed in Senate Journal, March 23, pages 592-593 and placed in members' bill files.) 5  
6

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 7  
8  
9

**HB06-1162** by Representative(s) May M.; also Senator(s) Williams--Concerning restrictions on minor drivers under eighteen years of age. 10  
11

Amendment No. 1, Transportation Committee Amendment. 12  
13

(Printed in Senate Journal, March 24, page 601 and placed in members' bill files.) 14  
15

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 16  
17  
18  
19

---

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 (HB06-1275, HB06-1209, HB06-1271, HB06-1289, HB06-1288, HB06-1109, SB06-179, SB06-063, SB06-064, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1357) of March 28, was laid over until Wednesday, March 29, retaining its place on the calendar. 21  
22  
23  
24  
25  
26  
27  
28  
29

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 30  
31

On motion of Senator Tochtrop, 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: 32  
33  
34  
35

Passed on Second Reading: HB06-1169 as amended, HB06-1102 as amended, HB06-1189, HB06-1267, HB06-1108 as amended, HB06-1107 as amended, HB06-1268 as amended, HB06-1076 as amended, HB06-1334, HB06-1354 as amended, SB06-109 as amended, HB06-1264, SB06-209 as amended, HB06-1285 as amended, HB06-1260 as amended, HB06-1162 as amended. 36  
37  
38  
39  
40

Laid over until Wednesday, March 29: HB06-1275, HB06-1209, HB06-1271, HB06-1289, HB06-1288, HB06-1109, SB06-179, SB06-063, SB06-064, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1357. 41  
42  
43  
44  
45  
46

**INTRODUCTION OF RESOLUTIONS** 47  
48

The following resolution was read by title: 49  
50

**SJR06-024** by Senator(s) Jones; also Representative(s) Hefley--Concerning the proclamation of the month of April as Child Abuse Prevention Month, and, in connection therewith, recognizing Pikes Peak Family Connection, Inc., for its service to El Paso County and its residents. 51  
52  
53  
54

Laid over one day under Senate Rule 30(b). 55  
56  
57

**MESSAGE FROM THE GOVERNOR** 58  
59

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows: 60  
61  
62  
63

March 28, 2006 64  
65

To the Honorable 66  
Colorado Senate 67  
Colorado General Assembly 68  
State Capitol Building 69

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  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for a term expiring October 1, 2008:

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

for terms expiring October 1, 2009:

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

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

This letter shall amend, repeal and supercede the letter dated February 3, 2006 pertaining to the Colorado Water Resources and Power Development Authority.

Sincerely,  
(signed)

Bill Owens  
Governor

Rec'd: 3/28/06

Karen Goldman, Secretary of the Senate

Committee on Agriculture, Natural Resources & Energy

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Reconsider of HB06-1071.

**RECONSIDERATION OF HB06-1071**

**HB06-1071** by Representative(s) Massey; also Senator(s) Kester--Concerning juvenile court proceedings, and, in connection therewith, clarifying the role and rights of county departments of human services.

Having voted on the prevailing side, Senator Gordon moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB06-1071. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	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	E	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	E	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, reconsideration was granted.

**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:

**HB06-1071** by Representative(s) Massey; also Senator(s) Kester--Concerning juvenile court proceedings, and, in connection therewith, clarifying the role and rights of county departments of human services.

Laid over until Wednesday, March 29, retaining its place on the calendar.

**TRIBUTES**

Honoring:

American Diabetes Association -- by Senator Sandoval and Representative Borodkin.

Somayyeh Farazandeh, Huong Nguyen, Mark Mueller, Doug Lotter, Elisabeth Smith, Meseret Hailu, Derick Gavidia, Dominique Smith, Giselle Apav, Sam Fretz, Amanda McKinney, Natasha Wright, Kim Gauen, Jocelyn Elliot, Greg Strompolos, Lilya Khasidova, Jenny Eskola, Amy Eskola, Philana Benton, Marvin Woolfolk, Kristi Day, Jenny Curnow, Lauren Neal, Andy Mason, Ezra Oligoku, James Bailey, Aisha Drera -- by Senator Williams.

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 28 was laid over until Wednesday, March 29, retaining its place on the calendar.

Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-021.

Consideration of Memorials: SJM06-001.

Consideration of House Amendments to Senate Bills: SB06-062, SB06-121, SB06-134, SB06-014, SB06-187.

Reconsideration of Bills: HB06-1051.

Consideration of Governor's Appointments:

Members of the Read-To-Achieve Board.

Members of the State Board of Land Commissioners.

Members of the Colorado Commission on the Aging.

Members of the State Board for Community Colleges and Occupational Education.

Members of the Board of Trustees for Adams State College.

Conference Committee to Report: HB06-1159, SB06-145.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, March 29, 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  
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