

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

70th Legislative Day Tuesday, March 21, 2006

- Prayer By Senator Fitz-Gerald.
- Pledge By Senator Wiens.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--32.
Absent--1; Evans.
Excused--2; Keller, Owen.
Present later--Evans.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Lamborn, reading of the Journal of March 20, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR06-017 by Senator(s) Isgar; also Representative(s) McKinley--Concerning the Recognition of the 100th anniversary of the Rocky Mountain Farmers Union.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR06-016.

CONSIDERATION OF RESOLUTIONS

SJR06-016 by Senator(s) Isgar, Entz, Brophy, Taylor; also Representative(s) Curry--Concerning the designation of March 21, 2006, as "National Agriculture Day".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

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

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

HB06-1041 by Representative(s) Borodkin, Butcher, Carroll M., Knoedler, Liston, Massey, Paccione; also Senator(s) Groff--Concerning continuation of the cost-benefit analysis of proposed rules.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

Co-sponsors added: Bacon, Brophy, Dyer, Evans, Fitz-Gerald, Isgar, Jones, Lamborn, McElhany, Mitchell, Shaffer, Tapia, Teck, Tupa, Veiga, Williams and Windels.

HB06-1341 by Representative(s) McFadyen; also Senator(s) Takis--Concerning the unlawful use of commercial driver's licenses.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

Co-sponsors added: Tapia and Tochtrop.

SB06-199 by Senator(s) Sandoval; also Representative(s) Rose--Concerning the child care licensing act.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

Co-sponsors added: Groff, Tochtrop and Williams.

HB06-1243 by Representative(s) Sullivan; also Senator(s) Hanna--Concerning the practice of chiropractic, and, in connection therewith, requiring liability insurance to cover all acts within the scope of chiropractic practice and allowing the state board of chiropractic examiners to impose a fine on a licensee in lieu of suspending a license.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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	Y	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**.

Co-sponsors added: Tochtrop.

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:

SB06-120 by Senator(s) Dyer; also Representative(s) Hefley--Concerning the requirement of a full investigation prior to the amendment of licenses issued by state agencies.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

Co-sponsors added: Lamborn.

- SB06-205** by Senator(s) Windels; also Representative(s) Madden--Concerning the membership requirements of boards created in the department of higher education.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- SB06-203** by Senator(s) Windels; also Representative(s) Madden--Concerning the requirement that the Colorado commission on higher education comply with the "State Administrative Procedure Act".

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- SB06-204** by Senator(s) Windels; also Representative(s) Madden--Concerning appointments to the governing boards of state institutions of higher education.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- HB06-1010** by Representative(s) Weissmann, Penry, Benefield, Curry, Garcia, Hodge, Marshall, McFadyen, Merrifield, Plant, Todd; also Senator(s) Hanna--Concerning state participation in government procurement rules of an international trade agreement.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- HB06-1095** by Representative(s) Weissmann, Garcia, Marshall; also Senator(s) Hanna, Groff, Takis--Concerning a preference for the purchase of environmentally preferable products by governmental entities.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- HB06-1174** by Representative(s) Soper, Carroll M., Cerbo, Larson, Sullivan; also Senator(s) Shaffer--Concerning workers' compensation coverage for workers in the construction industry.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- HB06-1056** by Representative(s) Madden; also Senator(s) Hanna--Concerning the provision of healthy nutrition alternatives in public schools.

Laid over until Wednesday, March 22, retaining its place on the calendar.

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- SB06-172** by Senator(s) Taylor; also Representative(s) Cloer, Soper--Concerning an exemption to certain motor vehicle requirements for persons who are honored for service in the armed forces of the United States.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	N
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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

Co-sponsors added: Brophy, Dyer, Entz, Evans, Gordon, Grossman, Isgar, Johnson, Jones, Kester, Lamborn, Mitchell, Shaffer, Spence, Tapia, Teck, Tochtrop, Traylor, Veiga, Wiens and Williams.

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HB06-1368 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of education.

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

YES	27	NO	6	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	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**.

HB06-1369 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of health care policy and financing.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	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**.

HB06-1370 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of higher education.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	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: Entz.

HB06-1371 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of human services.

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

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YES	29	NO	4	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	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**.

HB06-1372 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning a supplemental appropriation to the department of public health and environment.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	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**.

HB06-1373 by Representative(s) Buescher, Hall, Plant; also Senator(s) Tapia, Keller, Owen-- Concerning construction of improvements at the Colorado mental health institute in Pueblo, and making an appropriation therefor.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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	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: Fitz-Gerald.

HB06-1374 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen-- Concerning the funding of public school capital construction, and, in connection therewith, making appropriations to fund public school capital construction for the 2005-06 fiscal year.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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	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: Entz and Fitz-Gerald.

SB06-047

by Senator(s) Hanna, Hagedorn, Keller, Shaffer; also Representative(s) Riesberg, Boyd, Green, McCluskey--Concerning the provision of health care services by local governmental entities, and, in connection therewith, allowing such districts to be created in any part of the state authorizing such districts to levy a sales tax and authorizing counties to impose a sales tax for the purpose of providing health care services.

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

YES	18	NO	15	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	N
Dyer	N	Johnson	N	Sandoval	Y	Tupa	Y
Entz	N	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	N	Wiens	N
Gordon	Y	Kester	N	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	N		

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

Co-sponsors added: Fitz-Gerald, Groff and Windels.

SB06-208

by Senator(s) Hanna; also Representative(s) Larson--Concerning the creation of the health care reform committee for the purpose of studying health care reform issues, and making an appropriation therefor.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	N	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	N	Wiens	N
Gordon	Y	Kester	N	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	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: Groff and Shaffer.

HB06-1295

by Representative(s) Hodge; also Senator(s) Hanna--Concerning the salaries of county officers, and, in connection therewith, implementing the recommendations of the county elected officials' salary commission.

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

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YES	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	N
Dyer	Y	Johnson	N	Sandoval	Y	Tupa	Y
Entz	Y	Jones	N	Shaffer	N	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

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

RECONSIDERATION OF HB06-1373

HB06-1373 by Representative(s) Buescher, Hall, Plant; also Senator(s) Tapia, Keller, Owen-- Concerning construction of improvements at the Colorado mental health institute in Pueblo, and making an appropriation therefor.

Having voted on the prevailing side, Senator Gordon moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB06-1373. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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		

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:

HB06-1373 by Representative(s) Buescher, Hall, Plant; also Senator(s) Tapia, Keller, Owen-- Concerning construction of improvements at the Colorado mental health institute in Pueblo, and making an appropriation therefor.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	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.

Committee of the Whole	On motion of Senator Hanna, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hanna was called to the Chair to act as Chairman.	1 2 3 4 5 6 7 8 9 10
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:	11 12 13 14 15 16 17 18 19 20 21
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.	22 23 24 25 26 27 28 29 30 31 32
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	33
HB06-1137	by Representative(s) Judd; also Senator(s) Shaffer--Concerning amendments to the Colorado probate code.	34 35 36 37
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 14, pages 492-494 and placed in members' bill files.)	38 39 40 41 42 43
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	44 45 46 47 48
HB06-1122	by Representative(s) Todd, Benefield, Berens, Decker, Hodge, Lindstrom; also Senator(s) Spence--Concerning procedures relating to missing persons.	49 50 51 52 53 54
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	55
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.	56 57 58 59 60 61 62
	(Amended in General Orders as printed in Senate Journal, February 10, page 177 and February 21, page 287.)	63 64 65 66
	<u>Amendment No. 3, Appropriations Committee Amendment.</u> (Printed in Senate Journal, March 10, page 465 and placed in members' bill files.)	67 68 69 70 71 72
	As amended, laid over until Wednesday, March 22, retaining its place on the calendar.	73
SB06-197	by Senator(s) Isgar; also Representative(s) Curry--Concerning an extension of the period during which the voluntary contribution designation benefiting the nongame and endangered wildlife cash fund shall appear on the state individual income tax return forms.	74 75 76 77 78 79 80 81 82
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	83
HB06-1088	by Representative(s) Marshall; also Senator(s) Sandoval--Concerning the modification of statutes of limitations for commencing court proceedings involving unlawful sexual behavior toward children.	84 85 86 87 88 89 90 91 92
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 14, page 504 and placed in members' bill files.)	93 94 95 96 97 98 99 100
	<u>Amendment No. 2(L.012), by Senator Sandoval.</u>	101
	Amend the Judiciary Committee Report, dated March 14, 2006, page 1, strike lines 1 and 2 and substitute the following:	102 103 104 105 106 107 108 109 110 111 112
	"Amend reengrossed bill, page 2, line 3, strike "(8) (a.5), and (9)," and substitute "and (8) (a.5)."	113 114 115 116 117 118 119 120 121 122
	Page 3, strike lines 19 through 21 and substitute the following:"	123 124 125 126 127 128 129 130 131 132
	Page 2 of the committee report, strike lines 13 through 16 and substitute	133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200

the following:

"Page 6, strike lines 22 through 27.

Page 7, strike lines 1 through 13."

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

HB06-1237 by Representative(s) Carroll T.; also Senator(s) Dyer--Concerning defenses for landowners in premises liability actions.

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

HB06-1190 by Representative(s) Crane; also Senator(s) Jones--Concerning strengthening extradition laws.

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

Amend reengrossed bill, page 7, after line 10, insert the following:

"**SECTION 8. Effective date.** This act shall take effect July 1, 2006."

Renumber succeeding section accordingly.

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

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.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 14, pages 503-504 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Kester.

Amend the Judiciary Committee Report, dated March 14, 2006, page 1, strike line 7 and substitute the following:

"(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2007."."

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hanna, 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: SCR06-003, HB06-1137 as amended, HB06-1122, SB06-197, HB06-1088 as amended, HB06-1237, HB06-1190 as amended, HB06-1071 as amended. Laid over until Wednesday, March 22: SB06-109 as amended, SB06-143, HB06-1123, SB06-202, HB06-1148, HB06-1077, HB06-1255, HB06-1212, HB06-1196, HB06-1121, SB06-201, HB06-1021, HB06-1240, HB06-1249, HB06-1244, HB06-1016, SB06-073, SB06-179, SB06-110, SB06-144, HB06-1120, SB06-105, SB06-024, SB06-195, SB06-064, SB06-063, HB06-1119.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Johnson, Chairman, Tochtrop, and Shaffer as Senate Conferees on the First Conference Committee on **HB06-1159**.

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COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1247** 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 **HB06-1273** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 7, strike line 27 and substitute the following:

"(a) ~~The decedent if acting through a declaration instrument;~~".

Page 8, strike line 16 and substitute the following:

"(g) ~~The public administrator responsible for the decedent's estate;~~".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB06-1281** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB06-1075** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 1. 17-24-106.6 (1) (b), Colorado Revised Statutes, is amended to read:

17-24-106.6. Surplus state property. (1) As used in this section, unless the context otherwise requires:

(b) "State agency" means this state or any department, institution, or other agency of the state; ~~including institutions of higher education, but not including~~ EXCEPT THAT "STATE AGENCY" DOES NOT INCLUDE the department of transportation, THE DEPARTMENT OF HIGHER EDUCATION, OR INSTITUTIONS OF HIGHER EDUCATION.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB06-1086** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 10, after line 11, insert the following:

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"SECTION 4. 12-9-103.5 (3), Colorado Revised Statutes, is amended to read:

12-9-103.5. Fees - department of state cash fund. (3) (a) Fees authorized by this article shall be established by the licensing authority, in consultation with the board, in amounts sufficient to ensure that the total revenue generated by the collection of such fees approximates the direct and indirect costs incurred by the licensing authority in carrying out its duties under this article. The amounts of all fees shall be reviewed annually. The licensing authority shall furnish to the board both an annual and a quarterly accounting of all fee and fine revenues received and expenditures made pursuant to this article, together with a list of all fees in effect.

(b) THE COST OF IMPLEMENTING THE ELECTRONIC APPLICATION AND REPORT FILING SYSTEM REQUIRED BY SECTION 12-9-103 (1) (c), INCLUDING THE COST OF PROMULGATING ANY NEW OR AMENDED RULES FOR USE OF THE SYSTEM, SHALL BE RECOVERED THROUGH A TEMPORARY FEE INCREASE OR SURCHARGE ASSESSED ON ALL APPLICANTS AND LICENSEES DURING THE FIRST FIVE YEARS OF OPERATION OF THE SYSTEM. THE LICENSING AUTHORITY SHALL ESTABLISH THE TEMPORARY FEE OR SURCHARGE IN AN AMOUNT SUFFICIENT TO RECOVER ALL OF SUCH COSTS WITHIN THE FIVE-YEAR PERIOD."

Renumber succeeding sections accordingly.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB06-1185** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "34-60-102 (1)," and substitute "34-60-102,".

Page 3, after line 8, insert the following:

~~"(2) It is further declared to be in the public interest to assure that producers and consumers of natural gas are afforded the protection and benefits of those laws and regulations of the United States which affect the price and allocation of natural gas and crude oil, including the federal "Natural Gas Policy Act of 1978", 15 U.S.C. 3301, and particularly that the oil and gas conservation commission, established by section 34-60-104, be empowered to exercise such powers and authorities as may be delegated to it by the laws or regulations of the United States, including said "Natural Gas Policy Act of 1978", and, in the exercise of such powers and authorities, to make such rules and regulations and to execute such agreements and waivers as are reasonably required to implement such power and authority. THAT AN OPERATOR HAVING THE RIGHT TO EXTRACT OIL AND GAS UNDERLYING THE SURFACE OF LAND MAY ENTER THE LAND FOR ALL PURPOSES REASONABLE AND NECESSARY TO DETERMINE THE FEASIBILITY AND LOCATION OF OIL AND GAS OPERATIONS. BEFORE COMMENCING SURFACE DISTURBING ACTIVITIES FOR THE DRILLING OF A WELL, THE OPERATOR SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE RELATING TO NOTICE AND CONSULTATION FOR A SURFACE USE AGREEMENT. AFTER DRILLING A WELL, THE OPERATOR MAY REENTER THE LAND FOR ALL PURPOSES REASONABLE AND NECESSARY TO CONDUCT ONGOING OIL AND GAS OPERATIONS. THE OPERATOR SHALL CONDUCT OIL AND GAS OPERATIONS IN A MANNER THAT REASONABLY ACCOMMODATES THE USE OF THE SURFACE BY THE SURFACE OWNER, AND SHALL EMPLOY REASONABLE MEASURES TO MINIMIZE OR MITIGATE DISTURBANCE AND DAMAGE TO THE SURFACE THAT AFFECT THE VALUE OF THE LAND. THE OPERATOR MAY USE AND OCCUPY SO MUCH OF THE SURFACE OF LAND AS MAY BE REASONABLY NECESSARY TO CONDUCT OIL AND GAS OPERATIONS, SUBJECT TO THE TERMS OF ANY LEASE OR SURFACE USE AGREEMENT, SUBJECT TO THE RULES OF THE COMMISSION, AND SUBJECT TO THE PROVISIONS OF THIS ARTICLE RELATING TO COMPENSATION OF THE SURFACE OWNER OF THE LAND."~~

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Page 4, line 16, after "INCLUDING", insert "REASONABLE MEASURES TO MINIMIZE OR MITIGATE DISTURBANCE OR DAMAGE TO THE SURFACE,".

Page 5, line 13, strike everything after "MARKET" and substitute "VALUE.";

line 14, strike "OF REASONABLE USE.";

line 17, strike "OPERATIONS." and substitute "OPERATIONS, NOT INCLUDING ANY TEMPORARILY DISTURBED PORTION OF THE SURFACE THAT IS RECLAIMED PURSUANT TO THE COMMISSION'S REQUIREMENT FOR INTERIM RECLAMATION.".

Page 6, line 4, strike "AGENCY," and substitute "AGENCY AS THAT TERM IS DEFINED IN SECTION 29-4-703, C.R.S.,".

Page 12, strike line 26 and substitute the following:

"(b) UPON FILING THE APPLICATION, THE OPERATOR SHALL PROVIDE A COPY OF THE APPLICATION TO THE LOCAL".

Page 13, line 2, strike "NOTICE." and substitute "NOTICE, AND THE COMMISSION SHALL ESTABLISH A PROCEDURE FOR CONSIDERATION OF ANY COMMENTS ON THE APPLICATION BY SUCH LOCAL GOVERNMENT.";

line 19, after "NOTICE", insert "TO THE SURFACE OWNER AND THE LOCAL GOVERNMENT".

Page 14, strike lines 25 through 27.

Strike pages 15 and 16.

Page 17, strike lines 1 through 18.

Renumber succeeding sections accordingly.

Page 17, line 24, strike everything after "applications";

strike line 25 and substitute the following:

"for development, as that term is defined in section 24-65.5-102, C.R.S., filed on or after said date, and to any well drilled on or after said date, unless the permit to drill such well was approved prior to said date.".

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1169** 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 2, strike "LEGAL REPRESENTATIVE" and substitute "CHILD AND FAMILY INVESTIGATOR";

line 3, strike "14-10-116 (2);" and substitute "14-10-116.5";

line 7 strike "INSPECTION; AND" and substitute "INSPECTION";

line 8, after "A", insert "DOCUMENT OR";

line 14, strike "TIME." and substitute "TIME; AND

(g) A DOCUMENT CONTAINING A PARTY'S SOCIAL SECURITY NUMBER; BANK, SAVINGS, RETIREMENT, OR BROKERAGE ACCOUNT NUMBER; CREDIT CARD OR DEBIT CARD NUMBER; DRIVER'S LICENSE NUMBER; GOVERNMENT-ISSUED IDENTIFICATION NUMBER; OR PASSPORT NUMBER.";

strike lines 15 through 27.

Page 4, strike lines 1 through 3;

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line 21, after the period, insert "IN THE EVENT OF A CONFLICT BETWEEN THE LANGUAGE IN THE FULL, CONFIDENTIAL PARENTING PLAN AND THE SUMMARY OF THE PARENTING PLAN, THE TERMS OF THE FULL PLAN SHALL GOVERN."

Page 5, line 12, after "ANY", insert "LEGAL";

line 13, strike "OR A LEGAL REPRESENTATIVE";

strike lines 14 and 15 and substitute the following:

"14-10-116 (1);".

Page 6, line 24, strike "AGENCY;" and substitute "AGENCY THAT HAS A VALID JUDGMENT OR COURT ORDER AGAINST A PARTY IN THE DOMESTIC CASE IN WHICH THE DEBT COLLECTOR IS SEEKING ACCESS;

(p) A CHILD AND FAMILY INVESTIGATOR APPOINTED BY THE COURT PURSUANT TO SECTION 14-10-116.5 WITH RESPECT TO THE CHILD OF THE PARTIES OF THE ACTION;

(q) A PARENTING COORDINATOR APPOINTED BY THE COURT PURSUANT TO SECTION 14-10-128.1 TO ADDRESS THE DISPUTES OF THE PARTIES TO THE ACTION;

(r) A DECISION-MAKER APPOINTED BY THE COURT PURSUANT TO SECTION 14-10-128.3 TO ADDRESS THE DISPUTES OF THE PARTIES TO THE ACTION;".

Reletter succeeding paragraphs accordingly.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1102** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB06-207** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1189** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB06-206** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 3 through 6 and substitute the following:

"18-13-125. Smuggling of humans. (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A PERSON COMMITS SMUGGLING OF HUMANS IF HE OR SHE FACILITATES OR ATTEMPTS TO FACILITATE THE TRANSPORTATION WITHIN THIS STATE OF A PERSON HE OR SHE KNOWS OR REASONABLY SHOULD KNOW IS ILLEGALLY PRESENT IN THE UNITED STATES, FOR THE PURPOSE OF EVADING IMMIGRATION LAWS.";

after line 7, insert the following:

"(3) PEACE OFFICERS, FIREFIGHTERS, AND EMERGENCY MEDICAL PERSONNEL SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION WHEN ACTING IN THEIR OFFICIAL OR PROFESSIONAL CAPACITIES.".

Judiciary After consideration on the merits, the Committee recommends that **HB06-1267** be referred to the Committee of the Whole with favorable recommendation.

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SENATE SERVICES REPORT

Correctly Printed: SB06-213; SJM06-002; SR06-007.
Correctly Engrossed: SB06-047, 199, and 208.
Correctly Reengrossed: SB06-002, 035, 058, 152, 196, and 192.
Correctly Revised: HB06-1041, 1243, 1295, 1341, 1368, 1369, 1370, 1371, 1372, 1373, and 1374.
Correctly Rerevised: HB06-1287, 1318, and 1320.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB06-003, 012, 016, 034, 084, 132, and 142.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments -- Members of the Colorado Educational and Cultural Facilities Authority Board of Directors.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE:
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2009:

Lanny M. Proffer of Denver, Colorado, to fill the vacancy occasioned by the resignation of David E. Greenberg of Englewood, Colorado, and to serve as a Democrat, appointed.

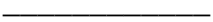
Loretta P. Martinez of Denver, Colorado, to serve as a Democrat, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	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 Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 21 was laid over until Wednesday, March 22, retaining its place on the calendar.

Consideration of Resolutions: HJR06-1013, HJR06-1017.
 Consideration of Memorials: SJM06-001, SJM06-002.
 Consideration of House Amendments to Senate Bills: SB06-062, SB06-057, SB06-118, SB06-097, SB06-121, SB06-134, SB06-055, SB06-014, SB06-145, SB06-102.

Reconsideration of Bills: HB06-1051.	1
Consideration of Governor's Appointments:	2
Member of the Oil and Gas Conservation Commission of the State of Colorado.	3
Members of the Colorado Board of Veterans Affairs.	4
Members of the State Agricultural Commission.	5
Members of the Colorado Health Facilities Authority Board of Directors.	6
Member of the Private Occupational School Board.	7
Members of the Board of Real Estate Appraisers.	8
Members of the Securities Board.	9
Members of the Water Quality Control Commission.	10
Member of the Juvenile Parole Board.	11



On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Wednesday, March 22, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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