

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

69th Legislative Day

Monday, March 20, 2006

Prayer	By the chaplain, Rev. Bill Calhoun, Montview Boulevard Presbyterian Church.	1
Pledge	By Senator Bacon.	2
Call to Order	By the President at 10:00 a.m.	3
Roll Call	Present--32. Excused--3; Keller, Lamborn, Owen.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Johnson, reading of the Journal of March 17, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	6

**COMMITTEE OF REFERENCE REPORTS
CORRECTED**

Appropriations	After consideration on the merits, the Committee recommends that SB06-208 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	7
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Amend printed bill, page 6, after line 4, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to the general assembly for the purposes set forth in section 10-16-131, Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the sum of twenty-two thousand six hundred ninety-five dollars (\$22,695) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 103, strike "ISSUES." and insert "ISSUES, AND MAKING AN APPROPRIATION THEREFOR."

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR06-007	by Senator(s) Gordon, Fitz-Gerald, McElhany; --Concerning changes to the membership of certain Senate Committees of Reference.	8
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Laid over until Wednesday, March 22, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, Consideration of the Resolutions -- SR06-006 was advanced to the top of the calendar.

CONSIDERATION OF RESOLUTIONS

SR06-006 by Senator(s) Gordon, Fitz-Gerald, McElhany; --Concerning the appointment of an employee for the Senate of the Sixty-fifth General Assembly.

On motion of Senator Gordon, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

Co-sponsors added: Bacon, Isgar, May R., Shaffer, Spence, Taylor and 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:

SB06-058 by Senator(s) May R.; also Representative(s) Larson--Concerning an increase in the period for which a certification of emissions control for newer diesel motor vehicles is valid.

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

YES	32	NO	0	EXCUSED	3	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	E	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: Isgar and Spence.

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.

Laid over until Tuesday, March 21, retaining its place on the calendar.

HB06-1318 by Representative(s) Cloer; also Senator(s) Mitchell--Concerning clinical practice hours required in order to receive a marriage and family therapist license.

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

YES	29	NO	3	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	N	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	N	McElhany	Y	Teck	Y		

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

SB06-035 by Senator(s) Hagedorn; also Representative(s) Boyd--Concerning the creation of a program to provide premium subsidies to certain individuals enrolled in a qualifying health benefit plan, and, in connection therewith, referring study of creation of the program to the health care task force.

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

YES	27	NO	5	EXCUSED	3	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	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	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**.

SB06-196 by Senator(s) Hagedorn; also Representative(s) McGihon--Concerning the authority of the governor to appoint a nurse in good standing to the state board of nursing when there is not a candidate available who meets the existing requirements for appointment.

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

YES	32	NO	0	EXCUSED	3	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	E	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**.

HB06-1320 by Representative(s) Hefley, McGihon, Carroll T., Clapp, Decker, Gardner, Jahn; also Senator(s) Grossman--Concerning the promotion of the lottery by the state lottery division director.

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

YES	32	NO	0	EXCUSED	3	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	E	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: Taylor.

HB06-1287 by Representative(s) Stafford; also Senator(s) Sandoval--Concerning the investment of public funds.

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

YES	32	NO	0	EXCUSED	3	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	E	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**.

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 Tuesday, March 21, retaining its place on the calendar.

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 Tuesday, March 21, retaining its place on the calendar.

SB06-192 by Senator(s) Groff; also Representative(s) Riesberg--Concerning a task force on drunk driving.

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

YES	32	NO	0	EXCUSED	3	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	E	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**.

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 Tuesday, March 21, retaining its place on the calendar.

SB06-152 by Senator(s) Teck; also Representative(s) Buescher--Concerning the oversight of investments for specified institutions of higher education.

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

YES	29	NO	3	EXCUSED	3	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	E	Tapia	Y	Windels	N
Grossman	Y	May R.	Y	Taylor	Y	President	N
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: Spence and Taylor.

SB06-002 by Senator(s) Shaffer; also Representative(s) Pommer--Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.

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

YES	22	NO	10	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	E	Spence	Y	Wiens	N
Gordon	Y	Kester	N	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	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: Bacon, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Takis, Tochtrop, Williams and Windels.

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 Tuesday, March 21, retaining its place on the calendar.

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 Tuesday, March 21, retaining its place on the calendar.

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 Tuesday, March 21, retaining its place on the calendar.

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

Laid over until Tuesday, March 21, retaining its place on the calendar.

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

Laid over until Tuesday, March 21, retaining its place on the calendar.

IMMEDIATE RECONSIDERATION OF SB06-002

SB06-002 by Senator(s) Shaffer; also Representative(s) Pommer--Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.

Having voted on the prevailing side, Senator Spence moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB06-002. The roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	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:

SB06-002 by Senator(s) Shaffer; also Representative(s) Pommer--Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.

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

YES	21	NO	11	EXCUSED	3	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	E	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	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	E	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**.

On motion of Senator Bacon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB06-1368, HB06-1369, HB06-1370, HB06-1371, HB06-1372, HB06-1373, HB06-1374, SB06-047, SB06-208 were made Special Orders at 10:40 a.m.

Committee of the Whole The hour of 10:40 a.m. having arrived, Senator Bacon moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

SPECIAL 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:

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

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

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.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 17, page 530 and placed in members' bill files.)

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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 1
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- HB06-1370** by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of higher education. 4
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 7
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- HB06-1371** by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of human services. 9
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 12
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- 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. 14
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 17
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- 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. 20
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 23
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(For further action, see Amendments to the Report of the Committee of the Whole.) 25
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- 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. 27
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 30
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- 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. 33
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Amendment No. 1, Local Government Committee Amendment. 39
(Printed in Senate Journal, January 20, page 50 and placed in members' bill files.) 40
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Amendment No. 2, Appropriations Committee Amendment. 42
(Printed in Senate Journal, March 17, page 533 and placed in members' bill files.) 43
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final
Passage. 45
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- 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. 48
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Amendment No. 1, Health and Human Services Committee Amendment. 51
(Printed in Senate Journal, March 17, page 529 and placed in members' bill files.) 52
53
Amendment No. 2, Appropriations Committee Amendment. 54
(Printed in Senate Journal, March 20, page 537 and placed in members' bill files.) 55
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final
Passage. 57
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- AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE** 60
- 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. 61
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Senator Tapia moved to amend the Report of the Committee of the Whole to show that the
following amendment to HB 06-1373 did pass. 66
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Amend reengrossed bill, page 2, line 4, strike "26-1-132," and
substitute "26-1-133,"; 69
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line 14, strike "an agreement for the" and substitute "agreements for 72

completion of the design and";

line 22, after "be", insert "designed and".

Page 3, line 2, strike "26-1-132," and substitute "26-1-133,".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared PASSED.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB06-1368, HB06-1369 as amended, HB06-1370, HB06-1371, HB06-1372, HB06-1373 as amended, HB06-1374, SB06-047 as amended, SB06-208 as amended.

Committee of the Whole

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

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

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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.

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

SB06-195 by Senator(s) Veiga; also Representative(s) Coleman--Concerning modifications to the "Colorado Employment Security Act" to conform with the requirements of federal law.

Upon request of Senator Gordon, **SB06-195** was removed from the Consent Calendar of March 20 and placed on the General Orders -- Second Reading of Bills calendar of Tuesday, March 21.

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

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

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

Amendment No. 1, Health and Human Services Committee Amendment.
(Printed in Senate Journal, March 16, page 509 and placed in members' bill files.)

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

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.

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

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

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

Passed on Second Reading: HB06-1041, HB06-1341, SB06-199 as amended, HB06-1243.
Removed from Consent Calendar: SB06-195.

Committee
of the
Whole

On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, HB06-1295 was advanced to the top of the General Orders -- Second Reading of Bills calendar.

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.

Amendment No. 1(L.006), by Senators Entz, Taylor, Isgar, and Brophy.

Amend reengrossed bill, page 2, after line 1, insert the following:

"SECTION 1. 30-2-102 (1) (e), Colorado Revised Statutes, is amended, and the said 30-2-102 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

30-2-102. Categorization of counties for fixing salaries of county officers. (1) For the purpose of establishing the salaries of county officers:

(e) Category V counties shall consist of the counties of Baca, Bent, Cheyenne, Conejos, Costilla, Crowley, ~~Dolores~~, Hinsdale, ~~Jackson~~, ~~Kiowa~~, Lincoln, ~~Mineral~~, Phillips, Saguache, AND San Juan. ~~and Sedgwick.~~

(f) CATEGORY VI COUNTIES SHALL CONSIST OF THE COUNTIES OF DOLORES, JACKSON, KIOWA, MINERAL, AND SEDGWICK."

Renumber succeeding sections accordingly.

Page 2, after line 22, insert the following:

"(f) CATEGORY VI 39,700 46,500 39,700 9,000 1,000".

Page 3, line 2, after "recorders," , insert "CORONERS," .

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 (SCR06-003, SB06-064, SB06-063, HB06-1137, HB06-1119, HB06-1122, SB06-109, SB06-197, HB06-1071, HB06-1088, HB06-1237, HB06-1190, SB06-143, HB06-1123, SB06-202, HB06-1148, HB06-1077, HB06-1255, HB06-1212, HB06-1196, HB06-1121) of March 20, was laid over until Tuesday, March 21, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB06-1295 as amended.
Laid over until Tuesday, March 21: SCR06-003, SB06-064, SB06-063, HB06-1137, HB06-1119, HB06-1122, SB06-109, SB06-197, HB06-1071, HB06-1088, HB06-1237, HB06-1190, SB06-143, HB06-1123, SB06-202, HB06-1148, HB06-1077, HB06-1255, HB06-1212, HB06-1196, HB06-1121.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

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

MEMBERS OF THE COLORADO TRAUMATIC BRAIN INJURY BOARD

for a term expiring June 30, 2007:

Christina G. Hoagland of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Pamela A. Law of Westminster, Colorado, and to serve as a speech pathologist who has experience working with persons with traumatic brain injuries, appointed.

for terms expiring June 30, 2008:

Melissa Francis of Denver, Colorado, to serve as a member of the public who has experience with persons with traumatic brain injuries, reappointed;

Susan A. Parker-Singler of Colorado Springs, Colorado, to serve as a clinical research scientist who has experience evaluating persons with traumatic brain injuries, appointed;

A. Stewart Levy, M.D., of Denver, Colorado, to serve as a neurologist who has experience working with persons with traumatic brain injuries, reappointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB06-1269** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB06-1277** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 2, after "27-10-102", insert "(1), (2),";

after line 7, insert the following:

~~"(1) "Court" means any district court of the state of Colorado and the probate court in the city and county of Denver.~~ "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.";

line 8, strike "(2.5)" and substitute "(1.5)";

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after line 9, insert the following:

~~"(2) "Court-ordered evaluation" means an evaluation ordered by a court pursuant to section 27-10-106. "COURT" MEANS ANY DISTRICT COURT OF THE STATE OF COLORADO AND THE PROBATE COURT IN THE CITY AND COUNTY OF DENVER.~~

(2.3) "COURT-ORDERED EVALUATION" MEANS AN EVALUATION ORDERED BY A COURT PURSUANT TO SECTION 27-10-106.";

line 11, after the second "clinic,", insert "ACUTE TREATMENT UNIT,".

Page 36, line 10, strike "(A)" and substitute "(a)";

line 11, after "FOR", insert "SHORT-TERM";

line 16, strike "BASIS." and substitute "BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.";

line 21, strike "mentally ill persons" and substitute "mentally ill persons WITH MENTAL ILLNESS".

Page 37, line 1, strike "(c)(d)" and substitute "(c)(d)";

after line 2, insert the following:

SECTION 22. Part 1 of article 3 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-3-100.5. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES: "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES."

Renumber succeeding sections accordingly.

Page 37, strike line 27.

Page 38, strike lines 1 through 10 and substitute the following:

SECTION 25. 25-3-105 (1), Colorado Revised Statutes, is amended to read:

25-3-105. License - fee - penalty. (1) (a) All licenses shall be issued annually upon the payment of a fee of three hundred sixty dollars; ~~and~~ EXCEPT THAT AN ACUTE TREATMENT UNIT SHALL BE ASSESSED A FEE AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (1). ALL LICENSES may be revoked at any time by the state board of health for any of the causes set forth in section 25-3-103 or for the failure of the holders thereof to comply with any of the rules of said board or to make the reports as provided for in section 25-3-104; and any person, partnership, association, company, or corporation opening, conducting, or maintaining any facility for the treatment and care of the sick or injured without having a provisional or regular license therefor is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

(b) Notwithstanding the amount specified for the fee in paragraph (a) of this subsection (1), the state board of health by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the

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uncommitted reserves of the fund are sufficiently reduced, the state board of health by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

(c) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, AN APPLICANT FOR LICENSURE FOR AN ACUTE TREATMENT UNIT SHALL SUBMIT TO THE DEPARTMENT NONREFUNDABLE FEES WITH AN APPLICATION FOR LICENSURE AS FOLLOWS:

(A) A FEE OF ONE HUNDRED DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF THREE THOUSAND FIVE HUNDRED DOLLARS FOR A LICENSE RELATED TO NEW FACILITY OPERATIONS; EXCEPT THAT A FACILITY THAT CONVERTS FROM A DIFFERENT LICENSURE CATEGORY TO AN ACUTE TREATMENT UNIT SHALL SUBMIT ITS APPLICATION AND INITIAL LICENSURE FEE NO LATER THAN JULY 1, 2008;

(B) A FEE OF TWENTY DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF ONE THOUSAND SEVEN HUNDRED DOLLARS TO ISSUE A NEW LICENSE WHEN THERE HAS BEEN A CHANGE OF OWNERSHIP OF AN EXISTING LICENSED ACUTE TREATMENT UNIT;

(C) A FEE OF TWENTY DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF ONE THOUSAND FIVE HUNDRED DOLLARS WHEN THE LICENSEE SEEKS ANNUAL RENEWAL OF AN EXISTING ACUTE TREATMENT UNIT LICENSE.

(II) A LICENSEE SHALL SUBMIT A FEE OF ONE HUNDRED DOLLARS FOR AN ACUTE TREATMENT UNIT IN THE FOLLOWING CIRCUMSTANCES:

(A) WHEN SUBMITTING A NAME CHANGE FOR APPROVAL BY THE DEPARTMENT; OR

(B) WHEN SUBMITTING A REQUEST TO INCREASE THE NUMBER OF LICENSED BEDS FOR APPROVAL BY THE DEPARTMENT.

(III) A LICENSEE SHALL SUBMIT A FEE OF FIVE HUNDRED DOLLARS FOR AN ACUTE TREATMENT UNIT IN THE FOLLOWING CIRCUMSTANCES:

(A) FOR REMODELING PLAN REVIEW BY THE DEPARTMENT WHEN THE LICENSEE UNDERGOES NEW CONSTRUCTION OR SUBSTANTIAL REMODELING OF AN ACUTE TREATMENT UNIT, AS DEFINED BY RULE OF THE STATE BOARD OF HEALTH; OR

(B) FOR REMODELING ON-SITE REVIEW BY THE DEPARTMENT WHEN THE LICENSEE UNDERGOES NEW CONSTRUCTION OR SUBSTANTIAL REMODELING OF AN ACUTE TREATMENT UNIT, AS DEFINED BY RULE OF THE STATE BOARD OF HEALTH. FEES FOR REMODELING ON-SITE REVIEW SHALL BE IN ADDITION TO THE FEES ASSESSED FOR REMODELING PLAN REVIEW.

SECTION 26. 27-1-201, Colorado Revised Statutes, is amended to read:

27-1-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.

(2) "Community mental health center" means either a physical plant or a group of services under unified administration or affiliated with one another, and including at least the following services provided for the prevention and treatment of mental illness in persons residing in a particular community in or near the facility so situated:

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- (a) Inpatient services;
- (b) Outpatient services;
- (c) Partial hospitalization;
- (d) Emergency services;
- (e) Consultative and educational services.

(2) (3) "Community mental health clinic" means a health institution planned, organized, operated, and maintained to provide basic community services for the prevention, diagnosis, and treatment of emotional or mental disorders, such services being rendered primarily on an outpatient and consultative basis."

Renumber succeeding sections accordingly.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB06-1299** be referred to the Committee of the Whole with favorable recommendation.

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 Water Conservation Board.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2009:

Eric W. Wilkinson of Greeley, Colorado, to serve as a representative from the South Platte drainage basin and as a Republican, reappointed;

Carl Trick II of Cowdrey, Colorado, to serve as a representative from the North Platte drainage basin and as a Republican, appointed;

Marcus Keith Catlin of Montrose, Colorado, to serve as a representative from the Gunnison-Uncompahgre basin and as a Democrat, reappointed.

YES	31	NO	0	EXCUSED	4	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	E	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

MESSAGE FROM THE HOUSE

March 20, 2006
Madame President:

The House has voted not to concur in the Senate amendments to HB06-1159 and requests

that a conference committee be appointed. The Speaker has appointed Representatives Paccione, chairman, McKinley, and Harvey as House conferees on the First Conference Committee on HB06-1159. The bill is transmitted herewith.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB06-213** by Senator(s) Hagedorn; also Representative(s) Penry--Concerning the requirement that health care services provided at an in-network facility be provided to the covered person at no greater cost than services provided by an in-network provider.
Health and Human Services
- HB06-1060** by Representative(s) Rose, Larson, Penry; also Senator(s) Entz, Brophy--Concerning the agriculture and livestock exemption from the sales and use tax.
Finance
- HB06-1201** by Representative(s) Plant, White, Buescher, Curry, Lindstrom, Borodkin, Larson, Madden; also Senator(s) Taylor, Isgar, Fitz-Gerald, Tapia, Veiga--Concerning the proportion of limited gaming revenues designated for the promotion of tourism in the state, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB06-1293** by Representative(s) Hoppe; also Senator(s) Grossman--Concerning the fees assessed on the review of water plans to replace depletion caused by evaporation from exposure that are required for open mining of sedimentary stone particulates used in construction materials, and making an appropriation in connection therewith.
Agriculture, Natural Resources & Energy
- HB06-1310** by Representative(s) Buescher, Plant, Hall; also Senator(s) Owen, Tapia, Keller--Concerning simplifying procedures for distributing tobacco settlement moneys among the programs currently receiving the moneys, and making an appropriation in connection therewith.
Finance

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

- SJM06-002** by Senator(s) May R.; also Representative(s) Garcia--Concerning recognition of NASA's Space Exploration Vision.
Laid over one day under Senate Rule 30(d).

MESSAGE FROM THE GOVERNOR

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

July 6, 2005

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

Ladies and Gentlemen:

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

MEMBER OF THE
COVERCOLORADO BOARD OF DIRECTORS

for a term ending July 1, 2009:

Michael B. Norris of Brighton, Colorado, to serve as a representative of a stop-loss or excess loss insurance carrier, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 7/18/05
Dan Goldstein, Reading Clerk

Committee on Business, Labor & Technology

July 25, 2005

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

for terms expiring July 1, 2009:

Richard L. Ramirez of Fort Collins, Colorado, to serve as a representative of the Fourth Congressional District and as a Democrat, appointed;

Edward A. Robinson of Greenwood Village, Colorado, to serve as a representative of the Sixth Congressional District and as a Democrat, appointed.

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

Committee on Education

January 20, 2006

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

Ladies and Gentlemen:

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

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

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for terms expiring January 31, 2009:

Paul R. Tourangeau of Denver, Colorado, to serve as a member with technical experience and as a Democrat, appointed;

James B. Martin of Longmont, Colorado, to serve as a member with legal experience and as a Democrat, reappointed;

Garrett M. Clemons of Denver, Colorado, to serve as a member with scientific experience and as a Republican, appointed.

This letter shall amend, repeal and supercede the letter dated December 23, 2005 pertaining to the Air Quality Control Commission.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 1/26/06
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for H.B. 06-1375, Concerning the Financing of Public Schools:

The Friday, March 17 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Friday, April 7, 2006 (the 87th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)	(signed)
Andrew Romanoff Representative Romanoff Speaker of the House of Representatives	Joan Fitz-Gerald Senator Fitz-Gerald President of the Senate
Alice Madden Representative Madden House Majority Leader	Ken Gordon Senator Gordon Senate Majority Leader
Mike May Representative May House Minority Leader	Andy McElhany Senator McElhany Senate Minority Leader

SENATE SERVICES REPORT

Correctly Printed: SJR06-016.
Correctly Engrossed: SB06-002, 035, 058, 120, 152, 172, 192, 196, 203, 204, and 205.
Correctly Revised: HB06-1010, 1056, 1095 1174, 1287, 1318, and 1320.

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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1023, 1032, 1175, 1179.
The President has signed: HB06-1005, 1020, 1025, 1061, 1250.

TRIBUTES

Honoring:

125th Anniversary of the Office of the State Engineer -- by Senators Entz, Brophy,
Groff, Grossman, Isgar, Taylor, and Tochtrop.

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 20 was laid over until
Tuesday, March 21, retaining its place on the calendar.

- Consideration of Resolutions: HJR06-1013, SJR06-016, HJR06-1017.
- Consideration of Memorials: SJM06-001.
- 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.
- Consideration of Governor's Appointments:
 - Member of the Oil and Gas Conservation Commission of the State of Colorado.
 - Members of the Colorado Board of Veterans Affairs.
 - Members of the State Agricultural Commission.
 - Members of the Colorado Health Facilities Authority Board of Directors.
 - Member of the Private Occupational School Board.
 - Members of the Board of Real Estate Appraisers.
 - Members of the Securities Board.
 - Members of the Water Quality Control Commission.
 - Member of the Juvenile Parole Board.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, March 21,
2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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