

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

73rd Legislative Day Friday, March 24, 2006

Prayer By the chaplain, Terry Knight, Spiritual Leader, Ute Mountain Ute Tribe.
Pledge By Senator Wiens.
Call to Order By the President at 9:00 a.m.

LETTER OF RESIGNATION

March 8, 2006

The Honorable Gigi Dennis
Secretary of State
Colorado Department of State
1700 Broadway, Suite 250
Denver, CO 80290

The Honorable Joan Fitz-Gerald
President of the Senate
220 East Colfax
Denver, CO 80203

Dear Secretary Dennis and Madam President:

This letter is to inform you of my resignation from the office of State Senator in Senate District 21, effective Wednesday, March 22, 2006, at 8:00 a.m.

Sincerely,
(signed)
Deanna Hanna

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Resignation from Office as filed in this office on the Eight day of March, 2006, by State Senator Deanna Hanna.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this twenty fourth day of March, 2006.

(Signed)
Gigi Dennis
Secretary of State

State of Colorado 1
Department of 2
State 3

United States of America, ss. Certificate 4
State of Colorado 5
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I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the 7
attached is a true and exact copy of the Designation of Nomination by Vacancy Committee 8
as filed in this office on the twenty second day of March, 2006, by the Democratic 21st 9
Senate District Vacancy Committee, designating the appointment of Betty A. Boyd to fill 10
the vacancy in the office of the Colorado State Senate, District 21, for the Sixty-Fifth 11
General Assembly of the State of Colorado, caused by the resignation of the Honorable 12
Deanna Hanna. 13
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In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State 16
of Colorado, at the City and County of Denver this twenty fourth day of March, 2006. 17
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(Signed) 19
Gigi Dennis 20
Secretary of State 21

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State of Colorado 23
Department of 24
State 25

United States of America, ss. Certificate 26
State of Colorado 27
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I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the 29
attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee 30
as filed in this office on the twenty second day of March, 2006, by Betty A. Boyd, 31
accepting the appointment of the Democratic 21st Senate District Vacancy Committee, to 32
fill the vacancy in the office of Colorado State Senate, District 21, for the Sixty-Fifth 33
General Assembly of the State of Colorado, caused by the resignation of the Honorable 34
Deanna Hanna. 35
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In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State 40
of Colorado, at the City and County of Denver this twenty fourth day of March, 2006. 41
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(Signed) 43
Gigi Dennis 44
Secretary of State 45

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On motion of Senator Gordon, and with the unanimous consent of the Senate, the 47
President appointed a committee composed of Senators Takis, Isgar, and May to wait upon 48
Justice Bender of the Colorado Supreme Court and request him to administer the oath of 49
office to the Senator-elect Betty Boyd. 50
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The President announced that the Senate would be in recess until the return of the 53
Committee with Justice Bender. 54
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Senate in recess. Senate reconvened. 58
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Chief Sergeant-at-Arms Philip Brown announced the arrival of the Committee and Justice 61
Bender. 62
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Oath of Office 65
Justice Bender administered the Oath of Office to Senator-elect Betty Boyd. 66
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Roll Call 68
Present--35. 69

Quorum 70
The President announced a quorum present. 71
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Reading of Journal On motion of Senator Lamborn, reading of the Journal of March 23, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB06-1332** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that **HB06-1053** be postponed indefinitely.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS**

for terms expiring June 30, 2009:

Theodore Patrick Teegarden of Denver, Colorado, to serve as a member with substantial experience in natural resource conservation and as a Democrat, reappointed;

Steven D. Holdren of Greeley, Colorado, to serve as a member with substantial experience in production agriculture and as a Democrat, appointed;

Shirley W. Watson of Fort Collins, Colorado, to serve as a citizen at large member and as a Republican, reappointed.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1293** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1147** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1132** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1124** be referred to the Committee on Appropriations with favorable recommendation.

CORRECTED

Appropriations After consideration on the merits, the Committee recommends that **SB06-144** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Education Committee Report, dated March 2, 2006, and substitute the following:

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

"SECTION 1. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-133. Instructors - health benefits study - report. (1) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL CONDUCT A STUDY TO DETERMINE THE IMPACT OF PROVIDING HEALTH AND DENTAL BENEFITS TO PERSONS WHO ARE EMPLOYED BY ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES AND WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS AT ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES IN A CONSECUTIVE TWELVE-MONTH PERIOD. IN THE COURSE OF CONDUCTING THE STUDY, THE COMMISSION SHALL DETERMINE BUT SHALL NOT BE LIMITED TO DETERMINING THE FOLLOWING:

(a) THE NUMBER OF PERSONS WHO ARE EMPLOYED BY ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS IN A CONSECUTIVE TWELVE-MONTH PERIOD AND WHO ARE NOT ELIGIBLE TO ENROLL IN A HEALTH INSURANCE BENEFIT PLAN AND A DENTAL INSURANCE BENEFIT PLAN PROVIDED THROUGH A STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE;

(b) THE NUMBER OF PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) WHO ARE TEACHING AT EACH STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE;

(c) THE ESTIMATED ANNUAL COST OF PROVIDING HEALTH INSURANCE BENEFITS AND DENTAL INSURANCE BENEFITS TO THE PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), INCLUDING BUT NOT LIMITED TO THE COST OF PAYING THE EMPLOYER'S SHARE OF THE PREMIUM FOR SUCH BENEFITS AND ANY ADMINISTRATIVE COSTS; AND

(d) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COLORADO COMMISSION ON HIGHER EDUCATION IN ORDER TO DETERMINE THE IMPACT OF PROVIDING HEALTH INSURANCE BENEFITS AND DENTAL INSURANCE BENEFITS TO THE PERSONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL WORK WITH EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE THAT EMPLOYS ONE OR MORE PERSONS WHO TEACH AN AGGREGATE OF FIFTEEN OR MORE CREDIT HOURS AT ONE OR MORE STATE COLLEGES, UNIVERSITIES, OR COMMUNITY COLLEGES IN ORDER TO COLLECT THE INFORMATION REQUIRED PURSUANT TO THIS SECTION.

(3) IN CONNECTION WITH THE STUDY REQUIRED PURSUANT TO THIS SECTION, EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE SHALL, WHEN IT NEXT NEGOTIATES ITS HEALTH INSURANCE AND DENTAL INSURANCE BENEFIT PLANS, EVALUATE THE OPTIONS FOR AND COSTS OF INCLUDING PERSONS WHO TEACH LESS THAN FULL TIME AT THE STATE COLLEGE, UNIVERSITY, OR COMMUNITY COLLEGE IN SUCH BENEFIT PLANS. EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE SHALL TRANSMIT ITS FINDINGS TO THE COLORADO COMMISSION ON HIGHER EDUCATION, AND THE COMMISSION SHALL INCLUDE THE FINDING IN THE REPORT REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE MEMBERS OF THE HOUSE AND SENATE EDUCATION COMMITTEES, OR ANY SUCCESSOR COMMITTEES, DETAILING THE RESULTS OF THE STUDY CONDUCTED PURSUANT TO THIS SECTION AND INCLUDING THE FINDINGS OF EACH STATE COLLEGE, UNIVERSITY, AND COMMUNITY COLLEGE PURSUANT TO SUBSECTION (3) OF THIS SECTION, NO LATER THAN JANUARY 15, 2007.

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

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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."."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB06-1162** 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 line 4 and substitute the following:

"INFRACTION, AND, NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1701 (4) (a) (I) (D), A PERSON CONVICTED OF VIOLATING SUBSECTION (3) OF THIS SECTION SHALL BE PUNISHED".

Page 4, line 10, strike "(A) and (4) (a) (I) (D)," and substitute "(A),";

line 11, strike "are" and substitute "is".

Page 5, strike lines 19 through 27.

Strike page 6.

Page 7, strike lines 1 through 8.

Finance

After consideration on the merits, the Committee recommends that **HB06-1275** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 10, insert the following:

"(V) FOR PURPOSES OF CALCULATING THE TAX FACTOR AS REQUIRED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b), AN OWNER OR OPERATOR OF A WIND ENERGY FACILITY SHALL PROVIDE A COPY OF THE WIND ENERGY FACILITY'S CURRENT PURCHASE POWER AGREEMENT TO THE ADMINISTRATOR BY APRIL 1 OF EACH ASSESSMENT YEAR. THE ADMINISTRATOR SHALL ALSO HAVE THE AUTHORITY TO REQUEST A COPY OF THE CURRENT PURCHASE POWER AGREEMENT FROM THE PURCHASER OF POWER GENERATED AT A WIND ENERGY FACILITY. ALL AGREEMENTS PROVIDED TO THE ADMINISTRATOR PURSUANT TO THIS SUBPARAGRAPH (V) SHALL BE CONSIDERED PRIVATE DOCUMENTS AND SHALL BE AVAILABLE ONLY TO THE ADMINISTRATOR AND THE EMPLOYEES OF THE DIVISION OF PROPERTY TAXATION IN THE DEPARTMENT OF LOCAL AFFAIRS.".

Finance

After consideration on the merits, the Committee recommends that **HB06-1209** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** 39-22-1001 (1) (b), Colorado Revised Statutes, is amended to read:

39-22-1001. Limitation on the duration of voluntary contribution programs. (1) (b) There shall be no requirement for a sunset clause for the homeless prevention activities program fund voluntary contribution established in part 13 of this article, or the western slope military veterans' cemetery voluntary contribution established in part 19 of this article, OR THE SPECIAL OLYMPICS COLORADO FUND VOLUNTARY CONTRIBUTION ESTABLISHED IN PART 18 OF THIS ARTICLE. All other voluntary contribution programs shall remain on Colorado income tax returns for the income tax years specified in the part in which the voluntary contribution is established and shall be repealed or

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reestablished as directed in such part."

Renumber succeeding sections accordingly.

Page 2, line 6, strike "JANUARY 1, 2009," and substitute "JANUARY 1, 2016,".

Page 3, line 3, strike "JANUARY 1, 2010," and substitute "JANUARY 1, 2017,".

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 COMMISSION ON THE AGING

for terms expiring July 1, 2006:

Margaret "Peggy" G. Spaulding of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Kathleen B. McSheehy of Arvada, Colorado, to serve as a Democrat from the Seventh Congressional District, appointed.

Maureen C. Robinson of Littleton, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed.

Russell H. DenBraber of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Daphne L. Bernstein of Highlands Ranch, Colorado, and to serve as a Republican from the Sixth Congressional District, appointed.

for a term expiring July 1, 2008:

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

Health & Human Services

After consideration on the merits, the Committee recommends that **HB06-1271** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2006

We herewith transmit:

Without comment, as amended, HB06-1375.
Without comment, as amended, SB06-187.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR06-019 by Senator(s) Williams; also Representative(s) Todd--Concerning World Lupus Day in Colorado.

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

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INTRODUCTION OF BILLS -- FIRST READING

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

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| SB06-217 | by Senator(s) Groff, Wiens; also Representative(s) Carroll T., Cerbo, Harvey--Concerning the authority of the state board of medical examiners to license certain distinguished teaching physicians. | 6 |
| | Health and Human Services | 7 |
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| SB06-218 | by Senator(s) Keller; also Representative(s) Coleman, Larson--Concerning financial support for programs benefitting disabled telephone users. | 11 |
| | Finance | 12 |
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| SB06-219 | by Senator(s) Keller; also Representative(s) Jahn--Concerning an administrative reorganization of programs administered by the state department of health care policy and financing. | 15 |
| | Health and Human Services | 16 |
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| HB06-1019 | by Representative(s) Soper; also Senator(s) Tochtrop--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the Colorado easter seals fund, and making an appropriation therefor. | 20 |
| | Finance | 21 |
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| HB06-1065 | by Representative(s) King; also Senator(s) Grossman--Concerning creation of the statewide data-sharing system, and making an appropriation therefor. | 26 |
| | Education | 27 |
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| HB06-1294 | by Representative(s) Decker; also Senator(s) Isgar--Concerning the issuance of a rebuilder's certificate of title for motor vehicles for the purposes of restoring such vehicles. | 30 |
| | Transportation | 31 |
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| HB06-1297 | by Representative(s) Decker, Buescher, Carroll T., Lindstrom, Todd; also Senator(s) Shaffer--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the multiple sclerosis fund, and making an appropriation therefor. | 34 |
| | Finance | 35 |
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| HB06-1317 | by Representative(s) Madden; also Senator(s) Fitz-Gerald--Concerning the development of state energy planning information, and, in connection therewith, making an appropriation. | 40 |
| | State, Veterans & Military Affairs | 41 |
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| HB06-1325 | by Representative(s) McFadyen; also Senator(s) Takis--Concerning electric transmission for the state of Colorado, and, in connection therewith, creating an interim task force to study Colorado's need to ensure a reliable electricity infrastructure, and making an appropriation. | 44 |
| | Agriculture, Natural Resources & Energy | 45 |
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| HB06-1337 | by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor--Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith. | 49 |
| | Agriculture, Natural Resources & Energy | 50 |
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| HB06-1375 | by Representative(s) Pommer; also Senator(s) Windels--Concerning the financing of public schools, and making an appropriation therefor. | 54 |
| | Education | 55 |
| | Appropriations | 56 |
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| HB06-1377 | by Representative(s) Madden, May M., Romanoff; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith. | 59 |
| | Finance | 60 |
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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:

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

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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, Keller, Shaffer and Williams.

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".

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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 and Groff.

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

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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, Groff, Isgar, Keller, Shaffer and Williams.

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

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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: Tupa.

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

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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, Shaffer, Tochtrop and Tupa.

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.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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, Groff, Hagedorn, Keller, Takis, Tochtrop and Williams.

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

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	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: Groff, Shaffer, Tochtrop, Tupa and Windels.

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 Monday, March 27, retaining its place on the calendar.

HB06-1137 by Representative(s) Judd; also Senator(s) Shaffer--Concerning amendments to the Colorado probate code.

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

Third Reading Amendment No. 1(L.007), by Senator Shaffer.

Amend revised bill, page 37, strike lines 14 through 27.

Page 38, strike lines 1 through 6.

Renumber succeeding sections accordingly.

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

YES	35	NO	0	EXCUSED	0	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	Y	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**.

HB06-1122 by Representative(s) Todd, Benefield, Berens, Decker, Hodge, Lindstrom; also Senator(s) Spence--Concerning procedures relating to missing persons.

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Evans, Groff and Williams.

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.

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

YES	35	NO	0	EXCUSED	0	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	Y	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, Kester, Taylor and Teck.

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.

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

YES	31	NO	4	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	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	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: Boyd, Fitz-Gerald, Groff, Grossman, Teck, Tupa, Veiga, Williams and Windels.

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Brophy.

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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**.

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.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	N	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	N
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	N	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 Windels, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Windels was called to the Chair to act as Chairman.

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**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:

HB06-1247 by Representative(s) Cerbo; also Senator(s) Grossman--Concerning the adoption of changes to the "Uniform Commercial Code" proposed by the national conference of commissioners on uniform state laws, and, in connection therewith, repealing and reenacting articles 1 and 7 of the "Uniform Commercial Code".

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

HB06-1273 by Representative(s) Liston; also Senator(s) Traylor--Concerning the right of final disposition of the remains of a decedent.

Amendment No. 1, Business, Labor, and Technology 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.

HB06-1335 by Representative(s) Jahn; also Senator(s) Isgar--Concerning the amount of public moneys used on a construction contract that triggers the requirement that a special district publish notice about the contract.

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

HB06-1183 by Representative(s) Berens; also Senator(s) Tapia--Concerning land surveyors.

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

HB06-1165 by Representative(s) Hodge; also Senator(s) Tapia--Concerning the authority of local governments to install safety measures at highway-rail grade crossings in order to create railroad quiet zones in compliance with federal law.

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

HB06-1066 by Representative(s) Boyd; also Senator(s) Shaffer--Concerning consumer protection for clients of private child support collection agencies.

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 Windels, 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: HB06-1247, HB06-1273 as amended, HB06-1335, HB06-1183, HB06-1165, HB06-1066.

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

HB06-1123 by Representative(s) Harvey; also Senator(s) Wiens--Concerning situations in which a law enforcement officer shall take a runaway child into custody.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 16, page 508, was declared LOST.)

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

SB06-202 by Senator(s) Traylor; also Representative(s) Vigil--Concerning the collection by the state of debts due to a governmental entity.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 16, page 509 and placed in members' bill files.)

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

Amend printed bill, page 6, strike line 24 and substitute the following:

"BY EITHER THE CONTROLLER, PRIVATE COUNSEL, OR PRIVATE COLLECTION AGENCIES, BUT IN NO CASE SHALL THE AGGREGATE FEE FOR THE CONTROLLER OR PRIVATE COLLECTION AGENCIES EXCEED TWENTY-ONE PERCENT AND IN NO CASE SHALL THE AGGREGATE FEE FOR PRIVATE COUNSEL EXCEED TWENTY-FIVE PERCENT."

Page 7, after line 13, insert the following:

"(9) EXCEPT AS PROVIDED IN THE "COLORADO FAIR DEBT COLLECTION PRACTICES ACT", ARTICLE 14 OF TITLE 12, C.R.S., WITHIN FIVE DAYS AFTER THE INITIAL COMMUNICATION WITH A DEBTOR IN CONNECTION WITH THE COLLECTION OF ANY DEBT, THE CONTROLLER, PRIVATE COUNSEL, OR PRIVATE COLLECTION AGENCY SHALL, UNLESS THE INFORMATION IS CONTAINED IN THE INITIAL COMMUNICATION OR THE DEBTOR HAS PAID THE DEBT, SEND THE DEBTOR A WRITTEN NOTICE WITH THE DISCLOSURES SPECIFIED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (9). IF SUCH DISCLOSURES ARE PLACED ON THE BACK OF THE NOTICE, THE FRONT OF THE NOTICE SHALL CONTAIN A STATEMENT NOTIFYING DEBTORS OF THAT FACT. SUCH DISCLOSURES SHALL STATE:

(a) THE AMOUNT OF THE DEBT, INCLUDING AN ITEMIZATION OF ANY FEES ASSESSED AS PROVIDED FOR IN PARAGRAPH (a) OF SUBSECTION (8) OF THIS SECTION; AND

(b) THE NAME OF THE CREDITOR TO WHOM THE DEBT IS OWED."

Amendment No. 3(L.005), by Senator Traylor.

Amend printed bill, page 2, line 5, after "EFFORTS" insert "BY A STATE AGENCY OR STATE EMPLOYEE".

Page 4, line 6, strike "DEBTS AND A CONDITION THAT THE STATE" and substitute "DEBTS.";

strike lines 7 through 9;

line 10, strike "THIS SECTION."

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

HB06-1148 by Representative(s) Vigil, Hefley, Benefield, Berens, Carroll M., Coleman, Crane, Frangas, Gallegos, Green, McKinley, Merrifield, Ragsdale, Soper, Welker; also Senator(s) Tapia, Bacon, Entz, Hanna, Keller, Kester, Teck, Williams, Windels--Concerning a prohibition against the shifting of financial responsibility for negligence in construction agreements.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 16, page 509 and placed in members' bill files.)

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

Amend the State, Veterans & Military Affairs Committee Report, dated March 15, 2006, page 1, line 9, strike "OR";

line 10, strike "DISTRICT; OR"." and substitute "DISTRICT, OR A METROPOLITAN SEWAGE DISPOSAL DISTRICT, AS DEFINED IN SECTION 32-4-502 (18), C.R.S.; OR".

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

HB06-1077 by Representative(s) Garcia, Balmer, Penry; also Senator(s) Veiga, May R., Brophy, Mitchell, Spence, Williams--Concerning risk-shifting provisions in a private construction contract that address the indemnification of a person against liability for damages caused by the sole negligence of the indemnified person.

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

HB06-1255 by Representative(s) Judd; also Senator(s) Shaffer--Concerning compliance with the federal "Social Security Act" with respect to juveniles.

Amendment No. 1, Health and Human Services Committee Amendment.
(Printed in Senate Journal, March 16, page 510 and placed in members' bill files.)

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

HB06-1196 by Representative(s) Balmer, Borodkin, Coleman, Liston, Marshall, McCluskey, Paccione, Welker; also Senator(s) Tapia--Concerning the consolidation of the existing regulation of engineering-related professions, and, in connection therewith, consolidating the state board of licensure for professional engineers and professional land surveyors and the state board of examiners of architects into the state board of licensure for architects, professional engineers, and professional land surveyors, continuing the regulation of architecture, clarifying what constitutes a record set of drawings and the proper use of an architect's stamp on such drawings, imposing professional liability, clarifying issues concerning architectural firms, authorizing the use of the name of a departed partner in the name of a firm, changing certain notifications concerning settlements or judgments, requiring that a crime that triggers discipline be related to the practice of architecture, and repealing certain board notification requirements, and making an appropriation in connection therewith.

Amendment No. 1(L.004), by Senator Tapia.

Amend reengrossed bill, page 19, line 27, strike "PROMPTLY TO ALLOW" and substitute "PROMPTLY".

Page 20, strike line 1;

strike lines 4 and 5.

Page 36, line 7, strike "**Architects and professional engineers**" and substitute "**Architects, professional engineers, and professional land surveyors**";

line 10, strike "or" and substitute "or";

line 11, after "C.R.S.", insert "OR A PROFESSIONAL LAND SURVEYOR LICENSED PURSUANT TO PART 2 OF ARTICLE 25 OF TITLE 12, C.R.S.";

line 12, strike "architectural or engineering" and substitute "architectural, or engineering, OR SURVEYING";

line 15, strike "architect or engineer" and substitute "architect, or engineer, OR SURVEYOR".

Amendment No. 2(L.005), by Senator Tapia.

Amend reengrossed bill, page 18, strike lines 19 through 27 and substitute the following:

~~"(2.5) (5) (a) If the board has reasonable cause to believe that any person is violating any provision of this section or any lawful rule or regulation issued under this section, in addition to all other actions provided for in this article and without prejudice thereto, the board or its designee may enter an order requiring such person to cease and desist from violating this section or such rule or regulation and, in addition, may request that an action be brought on relation of the people of the state of Colorado by the attorney general or by the district attorney of the district in which the violation is alleged to have occurred, to enjoin such person from engaging in or continuing such violation or from doing any act in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.~~

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE LICENSEE OR PERSON ALLEGED TO HAVE ACTED WITHOUT A LICENSE MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 3 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(6) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS PART 3, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 3, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE; BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID; OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (6) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS

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BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY SUCH PERSON, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 3, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(7) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 3, ANY RULE PROMULGATED PURSUANT TO THIS PART 3, OR ANY ORDER ISSUED PURSUANT TO THIS PART 3; OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 3, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(9) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION."

Page 19, strike lines 1 through 5.

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

HB06-1121 by Representative(s) Todd, Benefield, Berens, Carroll M., Decker, Green, Hodge, Marshall, Massey, McKinley, Merrifield, Paccione, Penry, Solano; also Senator(s) Williams, Windels-
-Concerning recognition of community service performed by students.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 16, page 518 and placed in members' bill files.)

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

Amend the Education Committee Report, dated March 15, 2006, page 1, strike lines 1 through 13 and substitute the following:

"Amend reengrossed bill, page 2, strike lines 2 through 26.";

strike line 16 of the committee report and substitute the following:

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

(I) In addition to learning reading, writing, mathematics, and science, students need to learn the importance of giving back to their community through positive, active volunteer service;

(II) Being involved within the community by volunteering to help persons in need or to support community growth efforts teaches students the importance of being good citizens and taking an active role in their society;

(III) Teaching students the importance of volunteering in the community also provides a tangible benefit to the community, resulting in stronger, more effective community service organizations;

(IV) Service-learning is an effective teaching method that gives students the opportunity to apply curricular knowledge and skills while serving the community, thereby reinforcing the content standards applicable to many subjects.

(b) The general assembly therefore finds that school districts should encourage students to volunteer with community organizations by providing a method for recognizing students' community service and service-learning efforts. The general assembly further finds that promoting community service and service-learning among students is an important goal of the thorough and uniform statewide system of public education to be implemented by each school district, as outlined in this section, through the exercise of each school district's power of local control.

SECTION 2. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-137. Community service and service-learning - legislative declaration. EACH SCHOOL DISTRICT SHALL CONSIDER AND, IF THE SCHOOL".

Page 2 of the committee report, line 11, strike "COMMUNITY." and substitute "COMMUNITY.";

line 14, strike "2." and substitute "3.".

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

SB06-201 by Senator(s) Veiga; --Concerning an extension of the period during which the voluntary contribution designation benefiting the Colorado domestic abuse program fund shall appear on the state individual income tax return forms.

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

HB06-1240 by Representative(s) Marshall; also Senator(s) Groff--Concerning measures to improve the academic performance of unsatisfactory public schools.

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 (HB06-1249, 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, HB06-1269, HB06-1299, HB06-1075, 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) of March 24, was laid over until Monday, March 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Windels, 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: HB06-1123, SB06-202 as amended, HB06-1148 as amended, HB06-1077, HB06-1255 as amended, HB06-1196 as amended, HB06-1121 as amended, SB06-201, HB06-1240.

Laid over until Monday, March 27: 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, HB06-1269, HB06-1299, HB06-1075, 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.

CONSIDERATION OF RESOLUTIONS

SR06-007 by Senator(s) Gordon, Fitz-Gerald, McElhany; --Concerning changes to the membership of certain Senate Committees of Reference.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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 24 was laid over until Friday, March 27, retaining its place on the calendar.

Consideration of Memorials: SJM06-001.

Consideration of House Amendments to Senate Bills: SB06-062, SB06-121, SB06-134, SB06-014, SB06-145, SB06-187.

Reconsideration of Bills: HB06-1051.

Conference Committee to Report: HB06-1159.

CHANGE IN SPONSORSHIP

President Fitz-Gerald announced the following changes in sponsorship due to the resignation of Senator Hanna:

Senator Shaffer will be the prime sponsor on SB06-020;

Senator Takis will be the prime sponsor on SB06-023;

Senator Hagedorn will be the prime sponsor on SB06-047;

Senator Shaffer will be the prime sponsor on SB06-067;

Senator Shaffer will be the prime sponsor on SB06-208;

Senator Takis will be the prime sponsor on HB06-1046;

Senator Shaffer will be the prime sponsor on HB06-1154.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB06-005, 006, 032, 033, 039, 053, 056, 074, 078, 079, 093, 095, 107, 108, 140, 160, and 180.

The President has signed: HB06-1059, 1328.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB06-1313** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 7, line 25, after "of", insert "one-hundred";

line 26, strike "\$75,000)," and substitute "\$175,000),".

Page 10, strike line 25 and substitute the following:

"COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND
CREATED IN SECTION 37-60-121, C.R.S."

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB06-1071

Having voted on the prevailing side, Senator Gordon gave notice of intent to move for reconsideration of **HB06-1071**.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that **HB06-1289** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 7, strike "ABSENCE OR";

line 12, after the period, add "EACH SCHOOL DISTRICT SHALL SUBMIT TO THE DEPARTMENT THE WAIVER FORMS SIGNED BY PARENTS OF STUDENTS INDICATING THE PARENTS' CHOICE THAT THEIR STUDENTS NOT PARTICIPATE IN AN ASSESSMENT RECEIVED PURSUANT TO SECTION 22-32-137 (1).";

strike lines 16 through 20 and substitute the following:

participation - no penalty. (1) THE PARENT OF A STUDENT MAY CHOOSE WHETHER TO ALLOW HIS OR HER CHILD TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM ADMINISTERED PURSUANT TO SECTION 22-7-409. EACH SCHOOL DISTRICT SHALL ANNUALLY MAKE AVAILABLE TO PARENTS A WAIVER FORM THAT A PARENT MAY SIGN AND RETURN TO THE SCHOOL DISTRICT INDICATING THE PARENT'S CHOICE THAT HIS OR HER CHILD NOT PARTICIPATE IN THE STATEWIDE ASSESSMENTS. A PARENT'S WAIVER OF PARTICIPATION IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM SHALL BE VALID FOR ONE ACADEMIC YEAR AND MAY BE RENEWED ANNUALLY. THE SCHOOL DISTRICT SHALL PROVIDE TO THE DEPARTMENT COPIES OF THE SIGNED WAIVER FORMS RECEIVED FROM PARENTS PURSUANT TO THIS SUBSECTION (1). A SCHOOL".

Education

After consideration on the merits, the Committee recommends that **HB06-1288** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 22, strike "(1) and (2)," and substitute "(1), (2), and (5) (b),";

line 24, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

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Page 5, after line 27, insert the following:

"(5) (b) For purposes of this subsection (5), "sexual offense against a child" means any of the offenses described in sections 18-3-405, 18-3-405.3, 18-3-305, 18-6-301, 18-6-302, 18-6-402 to 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and any of the offenses described in sections 18-3-402 to 18-3-404 and 18-7-302, C.R.S., where the victim is less than eighteen years of age, AND ANY OFFENSES DESCRIBED IN THE LAWS OF ANOTHER STATE OR THE UNITED STATES HAVING COMPARABLE ELEMENTS. "Sexual offense against a child" also means attempt, solicitation, or conspiracy to commit any of the offenses specified in this paragraph (b).

(6) (a) A PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE OF SCHOOL DIRECTOR SHALL HAVE A COMPLETE SET OF FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY AND SHALL SUBMIT A RECEIPT EVIDENCING THE FINGERPRINTING WHEN FILING THE WRITTEN ACCEPTANCE PURSUANT TO SECTION 1-4-906 (2), C.R.S.

(b) A LAW ENFORCEMENT AGENCY THAT TAKES FINGERPRINTS IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF INVESTIGATION SHALL REPORT THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE DESIGNATED ELECTION OFFICIAL FOR THE SCHOOL DISTRICT IN WHICH THE PERSON HAS BEEN NOMINATED FOR THE OFFICE OF SCHOOL DIRECTOR OF A SCHOOL DISTRICT.

(c) THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK PERFORMED IN ACCORDANCE WITH THIS SUBSECTION (6) SHALL BE CONFIDENTIAL; EXCEPT THAT THE DESIGNATED ELECTION OFFICIAL SHALL DISCLOSE WHETHER A PERSON IS ELIGIBLE OR INELIGIBLE FOR THE OFFICE OF SCHOOL DIRECTOR PURSUANT TO THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION."

Page 8, after line 1, insert the following:

"SECTION 7. 1-4-906, Colorado Revised Statutes, is amended to read:

1-4-906. Candidate's acceptance. (1) Every nominating petition before it is filed shall have attached to it a notarized acceptance of the nomination of the candidate or notarized acceptances by both of the joint candidates. Each acceptance of nomination shall contain the full name of the candidate or joint candidate as the name will appear on the ballot and the candidate's full address.

(2) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE NOMINATING PETITION FOR A CANDIDATE FOR THE OFFICE OF SCHOOL DIRECTOR SHALL ALSO HAVE ATTACHED TO IT A RECEIPT EVIDENCING THE FINGERPRINTING AS REQUIRED IN SECTION 22-31-107 (6), C.R.S."

Renumber succeeding section accordingly.

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

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring July 1, 2009:

Barbara F. McKellar of Castle Rock, Colorado, to serve as a Republican from the Sixth

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Congressional District, reappointed;

Patricia A. Erjavec of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, reappointed;

Preslano Montoya of Greeley, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed.

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

for terms expiring January 1, 2010:

Mark J. Cavanaugh of Denver, Colorado, reappointed;

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

Education

After consideration on the merits, the Committee recommends that **HB06-1109** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 17, insert the following:

"SECTION 3. 22-7-604 (1.5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-7-604. Academic performance - academic growth of students - rating - designation and methodology. (1.5) (a) (III) THE DEPARTMENT SHALL NOT CALCULATE AN ACADEMIC PERFORMANCE OR ACADEMIC GROWTH OF STUDENTS RATING FOR A SCHOOL THAT ENROLLS FEWER THAN A NUMBER OF STUDENTS SPECIFIED BY POLICY OF THE DEPARTMENT. THE DEPARTMENT SHALL DEVELOP A POLICY, IN CONSULTATION WITH THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT TO SECTION 22-7-604.3, CONCERNING THE MINIMUM NUMBER OF STUDENTS THAT MAY BE USED WHEN CALCULATING ACADEMIC PERFORMANCE AND ACADEMIC GROWTH OF STUDENTS RATINGS PURSUANT TO THIS SECTION."

Renumber succeeding sections accordingly.

Page 4, after line 2, insert the following:

"SECTION 5. 22-7-604.3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-604.3. Diagnostic academic growth calculation - model - rule-making. (7) **Diagnostic academic growth information - research.** THE DEPARTMENT, UPON REQUEST, SHALL MAKE AVAILABLE TO QUALIFIED RESEARCHERS THE ENTIRE LONGITUDINALLY LINKED DATASET CREATED PURSUANT TO THIS SECTION AND USED FOR GENERATING DIAGNOSTIC GROWTH INFORMATION AND FOR AWARDEDING THE GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARDS. FOR PURPOSES OF THIS SUBSECTION (7), QUALIFIED RESEARCHERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND PUBLIC POLICY RESEARCH AND ADVOCACY ORGANIZATIONS. THE DEPARTMENT SHALL PROVIDE THE INFORMATION IN A FORMAT THAT ALLOWS IT TO BE LINKED WITH OTHER PUBLICLY AVAILABLE DATA IN THE STATE AND SHALL INCLUDE ALL AVAILABLE DATA REGARDING STUDENT DEMOGRAPHICS, THE STATE'S SCHOOL IDENTIFICATION NUMBERS, AND STUDENT-LEVEL PERFORMANCE DATA, WHILE PROTECTING THE PRIVACY OF INDIVIDUAL STUDENTS IN A MANNER CONSISTENT WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232G, AND ALL FEDERAL REGULATIONS AND APPLICABLE

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GUIDELINES ADOPTED IN ACCORDANCE THEREWITH."

Renumber succeeding sections accordingly.

Page 6, after line 13, insert the following:

"SECTION 10. Appropriation - adjustments to the 2006 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2006, shall be adjusted as follows: The appropriation to the department of education, management and administration, for longitudinal analyses of student assessment results, is increased by 1.0 FTE."

Renumber succeeding section accordingly.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, March 27, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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