

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

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92nd Legislative Day Wednesday, April 12, 2006

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- Prayer By the chaplain, Rev. Vern Rempel, First Mennonite Church of Denver. 11
- Pledge By Senator Traylor. 13
- Call to Order By the President at 9:00 a.m. 15
- Roll Call Present--33. 18  
 Absent--2; Grossman, Wiens. 19  
 Present later--Grossman, Wiens. 20
- Quorum The President announced a quorum present. 22
- Reading of Journal On motion of Senator Windels, reading of the Journal of April 11, 2006 was dispensed with and the Journal was approved as corrected by the Secretary. 24

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**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**SJR06-027** by Senator(s) Entz, Kester, Mitchell, Wiens; also Representative(s) Penry, Cloer, Carroll T., Lundberg, Harvey, Stafford, Schultheis, Liston, Romanoff, Berens--Concerning condemnation of the Chinese government's persecution of practitioners of Falun Gong. 31

On motion of Senator Entz, the resolution was read at length and **adopted** by the following roll call vote: 35

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		

Co-sponsors added: Boyd, Evans, Fitz-Gerald, Groff, Isgar, Johnson, Lamborn, Owen, Sandoval, Shaffer, Spence, Taylor, Teck, Tochtrop, Traylor, Tupa, Williams and Windels. 50

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**MESSAGE FROM THE HOUSE**

April 11, 2006  
 Madame President: 56

The House has adopted and returns herewith SJR06-026. 59

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**COMMITTEE OF REFERENCE REPORTS**

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 65

MEMBERS OF THE  
STATE BOARD OF PAROLE

for terms expiring July 1, 2008

Deborah C. Allen of Aurora, Colorado, to serve as a citizen representative, reappointed;

Matthew J. Rhodes of Pueblo West, Colorado, to serve as a citizen representative, reappointed;

for terms expiring July 1, 2008, effective July 1, 2005:

Leslee V. Waggener of Centennial, Colorado, to serve as a parole or probation officer, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **SB06-223** be referred to the Committee of the Whole with favorable recommendation.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB06-149** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 10, line 27, strike "AND APPROVE".

Page 11, line 2, strike "agencies;" and substitute "agencies AND APPROVE SUCH BUDGET REQUESTS FOR STATE AGENCIES OTHER THAN THE LEGISLATIVE DEPARTMENT;".

Page 19, after line 3, insert the following:

**SECTION 13.** 24-37.7-105 (1) (c), Colorado Revised Statutes, is amended to read:

**24-37.7-105. Mission of the authority.** (1) The mission of the authority is to:

(c) Develop and annually update a strategic business plan for the implementation, maintenance, and enhancement of the statewide internet portal; ~~which may incorporate components of the preliminary plan developed by the commission on information management pursuant to section 24-37.5-203.5 (3);~~".

ReNUMBER succeeding sections accordingly.

Page 25, after line 8, insert the following:

**SECTION 28. Repeal.** 24-37.5-203.5, Colorado Revised Statutes, is repealed."

ReNUMBER succeeding section accordingly.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB06-1006** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 10 through 13 and substitute the following:

"WARRANTY OR GUARANTY REPAIRS;"

line 23, strike "REPAIRS OR" and substitute "REPAIRS;"

strike lines 24 through 27.

Page 5, after line 24, insert the following:

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"(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN INSURER OR ITS AGENT MAY RECOMMEND A REPAIR BUSINESS TO A BENEFICIARY OR CLAIMANT THAT IS LOCATED NEAR THE BENEFICIARY OR CLAIMANT OR THAT MEETS OR EXCEEDS INDUSTRY STANDARDS OF QUALITY, SERVICE, OR SAFETY."

Business,  
Labor, &  
Technology

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

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

for a term expiring January 1, 2007:

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

for terms expiring January 1, 2011:

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

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

Committee  
of the  
Whole

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

**SB06-198**

by Senator(s) Johnson, Bacon, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar, Keller, Kester, Owen, Sandoval, Shaffer, Spence, Tapia, Teck, Tochtrop, Traylor, Williams, Windels; also Representative(s) Romanoff, Madden, Benefield, Berens, Boyd, Carroll M., Carroll T., Cerbo, Cloer, Coleman, Decker, Frangas, Gallegos, Garcia, Green, Hodge, Jahn, Kerr, King, Larson, Liston, McGihon, McKinley, Paccione, Pommer, Ragsdale, Riesberg, Rose, Solano, Soper, Stafford, Stengel, Sullivan, Todd, Vigil, Weissmann--Concerning contractual agreements with health care providers to provide health care services.

Amendment No. 1, Health and Human Services Committee Amendment.  
(Printed in Senate Journal, March 31, pages 698-701 and placed in members' bill files.)

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

Amend the Health and Human Services Committee Report, dated March 30, 2006, page 2, strike lines 9 through 11 and substitute the following:

"OF THIS STATE."

Page 6, line 22, strike "PROVIDER; OR" and substitute "PROFESSIONAL;";

line 27, strike "C.R.S." and substitute "C.R.S.; OR";

after line 27, insert the following:

"(e) CONTRACTS BETWEEN A PERSON OR ENTITY, WHO, IN THE NORMAL COURSE OF BUSINESS, ENTERS INTO CONTRACTS FOR THE DELIVERY OF HEALTH CARE SERVICES, AND A PHARMACY BENEFIT MANAGER."

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

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

On motion of Senator Tupa, 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: SB06-198 as amended.

**MESSAGE FROM THE HOUSE**

April 12, 2006  
Madame President:

The House has adopted and transmits herewith HJR06-1020, and amended as printed in House Journal, April 12.

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR06-1020** by Representative(s) Carroll T., Marshall, Paccione; also Senator(s) Groff, Jones-- Concerning the designation of a portion of Interstate 70 as the Tuskegee Airmen Memorial Highway.

On motion of Senator Groff, the resolution was read at length and **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		

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for General Orders -- Second Reading of Bills.

Committee of the Whole

On motion of Senator Tupa, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Tupa 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, SB06-141 was advanced to the top of the General Order -- Second Reading of Bills calendar.

**SB06-141** by Senator(s) Tochtrop, Bacon, Hanna, Groff; also Representative(s) Riesberg, Solano, Todd--Concerning the creation of the "Health Care Transparency Act".

Amendment No. 1, Health and Human Services Committee Amendment.  
(Printed in Senate Journal, February 10, page 171 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 31, pages 720-721 and placed in members' bill files.)

As amended, ordered engrossed 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 (HB06-1090, SB06-143, HB06-1325, SB06-044, SB06-046, SB06-138, SB06-212, SB06-170, SB06-224) of April 12, was laid over until Thursday, April 13, retaining its place on the calendar.

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

On motion of Senator Tupa, 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: SB06-141 as amended.

**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **SB06-214** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB06-1019** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB06-1297** be referred to the Committee of the Whole with favorable recommendation.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB06-1107**

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THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1107,

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concerning the requirements pertaining to the issuance of instruction permits to minors, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 14, after "VALID", insert "COLORADO";

line 17, after "VALID", insert "COLORADO";

line 25, after "VALID", insert "COLORADO".

Page 4, line 9, after "VALID", insert "COLORADO";

line 12, after "VALID", insert "COLORADO";

line 23, strike "HOLDS A VALID DRIVER'S LICENSE" and substitute "DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE,".

Page 5, line 25, after "valid", insert "COLORADO".

Page 6, line 8, after "valid", insert "COLORADO";

line 16, after "VALID", insert "COLORADO";

line 20, after "VALID", insert "COLORADO".

Page 7, line 3, strike "PARAGRAPH (b), HOLDS A VALID DRIVER'S LICENSE" and substitute "DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE,";

line 23, after "VALID", insert "COLORADO".

Page 8, line 14, after "valid", insert "COLORADO";

line 23, after "VALID", insert "COLORADO";

line 27, before "DRIVER'S", insert "COLORADO".

Page 9, line 10, strike "PARAGRAPH (d), HOLDS A VALID DRIVER'S LICENSE" and substitute "DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE,".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, line 20, after "cycle." insert "IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104.

strike line 27 and substitute the following:

"SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A".

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Page 4, line 2, strike "WHO HOLDS A VALID DRIVER'S";

line 3, strike "LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER," and substitute "WHO IS";

line 7, strike "SIGNS THE AFFIDAVIT" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),";

strike line 8;

line 13, strike "OLDER." and substitute "OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVE CYCLE.";

line 15, strike "EXCLUDING" and substitute "INCLUDING";

line 18, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS";

line 21, strike "SIGNS THE AFFIDAVIT" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),";

strike line 22;

line 26, strike "EXCLUDING" and substitute "INCLUDING".

Page 5, line 4, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS";

line 6, after "~~age of~~", insert "WHO IS" and after "years", insert "~~who~~" and after "OLDER", add "AND";

line 7, strike "who";

line 26, strike "OR, IN THE" and substitute "OR IF THE VEHICLE IS";

line 27, strike "CASE OF".

Page 6, line 2, after "DRIVING." insert "IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104.

line 10, after "license", insert "FROM COLORADO";

line 14, strike "SIGNS THE" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),"

strike line 15;

line 16, strike "(a) OF THIS SUBSECTION (1),";

line 21, strike "OLDER." and substitute "OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVE CYCLE.";

line 22, strike "EXCLUDING" and substitute "INCLUDING";

line 26, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS".

Page 7, line 1, strike "SIGNS THE WRITTEN" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),";

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strike line 2;

line 6, strike "EXCLUDING" and substitute "INCLUDING";

line 12, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS".

Page 8, line 15, strike "OR, IN THE CASE OF" and substitute "OR IF THE VEHICLE IS";

line 18, after "DRIVING." insert "IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104.

line 21, strike "SIGNS THE WRITTEN" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),";

strike line 22;

line 23, strike "PARAGRAPH (d),";

line 27, strike "OLDER." and substitute "OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE.".

Page 9, line 2, strike "EXCLUDING" and substitute "INCLUDING";

line 5, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS";

line 8, strike "SIGNS THE WRITTEN" and substitute "SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a),";

strike line 9;

line 13, "EXCLUDING" and substitute "INCLUDING";

line 19, after "SEAT", insert "OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Benefield, Chair	Senator Shaffer, Chair
Representative Solano	Senator Williams
Representative M. May	Senator Wiens

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**SENATE SERVICES REPORT**

**Correctly Engrossed:** SJR06-026.  
**Correctly Enrolled:** SB06-005, 009, 010, 021, 023, 032, 033, 042, 052, 053, 056, 055, 057, 060, 062, 070, 074, 078, 079, 093, 095, 097, 102, 107, 112, 113, 116, 118, 119, 124, 132, 134, 140, 142, 154, and 160; SJR06-002, 007, 008, 009, 010, 012, 016, 017, and 024; SR06-004, 006, and 007.

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

The President has signed: HB06-1051, 1095, 1119, 1244, 1256, 1268, 1269, 1287, 1309, 1351, 1357.

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 April 11 was laid over until Thursday, April 12, retaining its place on the calendar.

- Third Reading of Bills -- Final Passage: HB06-1386, SB06-059.
- Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-022, HJR06-1021.
- Consideration of Memorials: SJM06-001, HJM06-1002.
- Consideration of House Amendments to Senate Bills: SB06-014, SB06-041, SB06-067, SB06-071, SB06-068, SB06-051.
- Consideration of Governor's Appointments:
  - Members of the Read-To-Achieve Board.
  - Members of the Colorado Aeronautical Board.
- Consideration of Conference Committee Reports: SB06-145.
- Conference Committee to Report: HB06-1121, HB06-1273, HB06-1075, HB06-1169, HB06-1251, HB06-1288, HB06-1021, HB06-1375, HB06-1209, HB06-1385.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Thursday, April 13, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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