

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

76th Legislative Day

Monday, March 27, 2006

| | | |
|--------------------|---|--|
| Prayer | By the chaplain, Rabbi Julian Cook, Congregation Temple Emanuel, Denver. | 1 |
| Pledge | By Senator Keller. | 2 |
| Call to Order | By the President at 10:00 a.m. | 3 |
| Roll Call | Present--32. Excused--3; Evans, Takis, Taylor. Present later--Evans, Takis, Taylor. | 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 |
| Quorum | The President announced a quorum present. | 22 23 |
| Reading of Journal | On motion of Senator Traylor, reading of the Journal of March 24, 2006 was dispensed with and the Journal was approved as corrected by the Secretary. | 24 25 26 27 |

MESSAGE FROM THE HOUSE

Madame President:

The House has voted to concur in the Senate amendments to HB06-1295, 1087, and has repassed the bills as so amended.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR06-020 by Senator(s) Evans, Windels, Bacon, Jones, Spence, Tupa, Williams; also Representative(s) Merrifield, King, Penry, White--Concerning honoring former Colorado Commissioner of Education Calvin M. Frazier.

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

SJR06-021 by Senator(s) Tapia; also Representative(s) Gallegos, Butcher--Concerning the renaming of State Highway 47 as the "Cesar Chavez Memorial Parkway".

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB06-220 by Senator(s) Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Isgar, Johnson, Keller, Sandoval, Shaffer, Takis, Tapia, Tochtrop, Tupa, Veiga, Williams, Windels; also Representative(s) Riesberg, Coleman, Frangas, Green, Hodge, Kerr A., McCluskey, Solano, Vigil--Concerning seasonal termination protection for certain customers of utilities that provide home heating services, and, in connection therewith, creating a task force to collect information and make recommendations.
Business, Labor and Technology

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- SB06-221** by Senator(s) Hagedorn; also Representative(s) Garcia, McCluskey--Concerning the establishment of a trauma care reimbursement program, and, in connection therewith, increasing the fee for registering a motor vehicle and offsetting that increase by eliminating the emissions inspection program.
Business, Labor and Technology
- SB06-222** by Senator(s) Grossman; --Concerning changes to threshold loss amounts in certain crimes.
Judiciary
- 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.
Appropriations

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

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

- HB06-1247** 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".

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

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

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

- HB06-1335** 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.

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

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| YES | 31 | NO | 1 | EXCUSED | 3 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | N | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

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

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

HB06-1165 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.

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

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

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | 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**.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SCR06-003 by Senator(s) Teck, Shaffer, Entz, Dyer, Johnson, Owen, Sandoval, Spence, Takis, Tupa, Williams; also Representative(s) White, Rose, Berens, Carroll M., Clapp, Hall, Kerr, Massey, May M., Penry, Stafford, Sullivan, Witwer--Submitting to the registered electors of the state of Colorado an amendment to section 1 (4) of article V of the constitution of the state of Colorado, concerning measures submitted for voter approval at statewide elections, and, in connection therewith, requiring approval by three-fifths of the votes cast for the adoption of any initiated or referred measure amending the state constitution, authorizing a simple majority to repeal or amend provisions approved prior to or at the 2006 general election, and requiring a two-thirds vote of each house of the general assembly to repeal or amend an initiated or referred statute for a period of five years after passage of the statute.

Laid over until Tuesday, March 28, retaining its place on the calendar.

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.

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 | 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 | E | Kester | Y | Takis | E | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | E | President | Y |
| Grossman | Y | McElhany | Y | Teck | Y | | |

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

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

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

| YES | 33 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|----------|---|----------|---|-----------|---|
| Bacon | Y | Hagedorn | Y | Mitchell | N | 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 | E | 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**.

HB06-1148 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.

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

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| YES | 24 | NO | 10 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|----------|----|----------|---|-----------|---|
| Bacon | Y | Hagedorn | Y | Mitchell | N | Tochtrop | Y |
| Boyd | Y | Isgar | Y | Owen | N | Traylor | Y |
| Brophy | N | Johnson | Y | Sandoval | Y | Tupa | Y |
| Dyer | N | Jones | N | Shaffer | Y | Veiga | N |
| Entz | Y | Keller | Y | Spence | N | Wiens | N |
| Evans | E | 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 | N | Teck | Y | | |

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

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.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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**.

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

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

| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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**.

HB06-1196 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.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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: Kester, Teck, Tochtrop and Williams.

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.

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

| YES | 18 | NO | 16 | EXCUSED | 1 | 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 | E | 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: Gordon, Groff, Grossman, Shaffer and Tupa.

SB06-201 by Senator(s) Veiga; also Representative(s) Benefield--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.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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: Bacon, Fitz-Gerald, Isgar, Keller, Kester, Shaffer, Teck, Tupa, Williams and Windels.

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

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

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| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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: Bacon, Boyd, Dyer, Fitz-Gerald, Grossman, Isgar, Jones, Kester, Lamborn, May R., Mitchell, Sandoval, Shaffer, Spence, Tapia, Taylor, Teck, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

IMMEDIATE RECONSIDERATION OF HB06-1123

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.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB06-1123**. The roll call was taken with the following result:

| YES | 34 | NO | 0 | EXCUSED | 1 | 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 | E | 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, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

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

| YES | 32 | NO | 2 | EXCUSED | 1 | 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 | N | Veiga | Y |
| Entz | Y | Keller | Y | Spence | Y | Wiens | Y |
| Evans | E | Kester | Y | Takis | N | Williams | Y |
| Gordon | Y | Lamborn | Y | Tapia | Y | Windels | Y |
| Groff | Y | May R. | Y | Taylor | Y | President | Y |
| Grossman | Y | McElhany | Y | Teck | Y | | |

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB06-1115, HB06-1353) of March 27 was laid over until Tuesday, March 28, retaining its place on the calendar.

Committee of the Whole

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

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

Amendment No. 1(L.001), by Senator Owen.

Amend reengrossed bill, page 3, line 8, strike "law; except that, in" and substitute "law. ~~except that, In~~";
line 9, strike "THE".

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

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

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 17, page 529 and placed in members' bill files.)

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

Amend reengrossed bill, page 2, line 9, after "MOVER", insert "OR A MOVER'S SUCCESSOR".

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

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 17, pages 253-254 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 17, page 530 and placed in members' bill files.)

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

Amend the Education Committee Report, dated February 16, 2006, page 2, after line 11, insert the following:

"after line 14, insert the following:

"SECTION 2. 22-33-104.5 (3) (e), Colorado Revised Statutes, is amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (3) The following guidelines shall apply to a nonpublic home-based educational program:

(e) Any parent establishing a nonpublic home-based educational

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program shall provide written notification of the establishment of said program to a school district within the state fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of a nonpublic home-based educational program shall certify, in writing, only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program. NOTWITHSTANDING THE PROVISIONS OF SECTION 22-33-104(1), A PARENT WHO INTENDS TO ESTABLISH A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM IS NOT REQUIRED TO ESTABLISH NOR TO PROVIDE WRITTEN NOTIFICATION OF SAID PROGRAM TO A SCHOOL DISTRICT WITHIN THE STATE UNTIL THE PARENT'S CHILD IS SEVEN YEARS OF AGE, NOR IS THE PARENT REQUIRED TO CONTINUE THE PROGRAM OR PROVIDE THE NOTIFICATION AFTER THE CHILD IS SEVENTEEN YEARS OF AGE."

Renumber succeeding sections accordingly.";

line 12, strike "line 18," and substitute "Page 3, line 18,".

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

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

Amendment No. 1, Health and Human Services Committee Amendment.
(Printed in Senate Journal, March 17, page 529 and placed in members' bill files.)

As amended, laid over until March 28, 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, the balance of the General Orders -- Second Reading of Bills Calendar (SB06-179, HB06-1249 as amended, 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, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1264, SB06-209, HB06-1285, HB06-1260, HB06-1357) of March 27, was laid over until Tuesday, March 28, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hagedorn, 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: HB06-1244 as amended, HB06-1016 as amended, SB06-073 as amended.

Laid over until Tuesday, March 28: SB06-179, HB06-1249 as amended, 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, SB06-143, HB06-1212, HB06-1021, HB06-1309, HB06-1264, SB06-209, HB06-1285, HB06-1260, HB06-1357.

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 House Amendments to Senate Bills -- SB06-145.

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CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB06-145 by Senator(s) Shaffer, Hagedorn; also Representative(s) McCluskey, Butcher--Concerning the authority of a local government to impose a fee on certain medical providers for purposes of obtaining federal financial participation under medicaid for unreimbursed medicaid costs.

Senator Shaffer moved that the Senate not concur in House amendments to SB06-145, as printed in House Journal, March 16, pages 785-786, and that a Conference Committee be appointed.

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

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Shaffer, Chairman, Keller, and Johnson as Senate Conferees on the First Conference Committee on SB06-145.

MESSAGE FROM THE GOVERNOR

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

July 29, 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 STATE BOARD OF NURSING

for a term expiring July 1, 2007:

Thomas L. Kanan of Denver, Colorado, to serve as a public member, appointed;

for terms expiring July 1, 2008:

Candace E. Berardinelli of Littleton, Colorado, to serve as a representative of nursing education, appointed;

Victoria L. Broerman of Colorado Springs, Colorado, to serve as a hospital staff nurse, appointed;

Toni Lu-Rae Gibbons of Highlands Ranch, Colorado, to serve as a licensed practical nurse, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 8/2/05
Karen Kuhlmann, Asst. Secretary

Committee on Health & Human Services

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May 26, 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, reappoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 6/1/05
Karen Goldman, Secretary of the Senate

Committee on Judiciary

June 9, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2009:

Stephanie Foote of Denver, Colorado, to fill the vacancy occasioned by the resignation of Douglas L. Jones of Denver, Colorado, and to serve as a representative of cultural event and facility groups and as a Republican, appointed;

Janet L. Frederick of Eads, Colorado, to serve as an at large representative of tourism-based industries and as an Unaffiliated, appointed;

for a term expiring June 1, 2008:

Andre A. Gutierrez of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Steve Szapor, Jr., of Highlands Ranch, Colorado, and to serve as a representative of private travel attractions and casinos and as a Republican, reappointed.

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Sincerely,
 (signed)
 Bill Owens
 Governor
 Rec'd: 6/16/05
 Karen Kuhlmann, Asst. Secretary
 Committee on Business, Labor & Technology

September 23, 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 TOURISM OFFICE BOARD OF DIRECTORS**

for terms expiring June 1, 2006:

Corry D. Mihm of Breckenridge, Colorado, to fill the vacancy occasioned by the resignation of Sarah L. MacQuiddy of Greeley, Colorado, and to serve as a representative of the destination marketing industry, appointed;

Kevin B. Schneider of Carbondale, Colorado, to fill the vacancy occasioned by the resignation of Kathy Palmeri of Estes Park, Colorado, and to serve as a representative of other outdoor recreation industries, appointed.

Sincerely,
 (signed)
 Bill Owens
 Governor
 Rec'd: 10/13/05
 Karen Goldman, Secretary of the Senate

Committee on Business, Labor & Technology

COMMITTEE OF REFERENCE REPORTS

Finance

The Committee returns herewith House Bill 06-1060 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Printed: SB06-217, 218, and 219; SJR06-019.
Correctly Engrossed: SB06-201, and 202; SR06-007.
Correctly Reengrossed: SB06-197, 203, 205, and 204.
Correctly Revised: HB06-1066, 1077, 1121, 1123, 1148, 1165, 1183, 1196, 1240, 1247, 1255, 1273, and 1335.
Correctly Rerevised: HB06-1010, 1056, 1071, 1088, 1095, 1122, 1137, 1174, 1190, and 1237.

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DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, March 24, 2006, at 2:41 p.m.:

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

TRIBUTES

Honoring:

Reverend Dr. Milton Proby -- by Senators Jones and Groff and Representatives Cloer and Merrifield.

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 27 was laid over until Tuesday, March 28, retaining its place on the calendar.

- Consideration of Resolutions: SJR06-019.
- Consideration of Memorials: SJM06-001.
- Consideration of House Amendments to Senate Bills: SB06-062, SB06-121, SB06-134, SB06-014, SB06-187.
- Notice of Intent to Reconsider: HB06-1071.
- Reconsideration of Bills: HB06-1051.
- Consideration of Governor's Appointments: Members of the Read-To-Achieve Board.
- Conference Committee to Report: HB06-1159.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, March 28, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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