

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

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43rd Legislative Day Wednesday, February 22, 2006

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Prayer By the chaplain, Rev. Paul Spurlock, St. Thomas Episcopal Church, Denver

Pledge By Senator Tapia.

Call to Order By the President at 9:00 a.m.

Roll Call Present--33.  
 Absent--1; Dyer.  
 Excused--1; Wiens.  
 Present later--Dyer.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Sandoval, reading of the Journal of February 21, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR06-010 and HJR06-1009.

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**CONSIDERATION OF RESOLUTIONS**

**SJR06-010** by Senator(s) Windels; also Representative(s) Benefield--Concerning support of the Colorado campaign for the civic mission of public schools, and, in connection therewith, recognizing former Congressman David Skaggs' work in the area of civic education.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

**HJR06-1009** by Representative(s) Curry, Buescher, Hall, Plant, Gallegos, Larson, McFadyen, Penry, Rose; also Senator(s) Entz, Keller, Owen, Tapia--Concerning support for construction of an academic building at Western State College of Colorado using private funding.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

**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:

**HB06-1094** by Representative(s) White; also Senator(s) Teck--Concerning the notice of valuation of taxable personal property on oil and gas leaseholds and lands.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Taylor.

**SB06-091** by Senator(s) Tupa, Groff; also Representative(s) Riesberg, Coleman, Gallegos, Todd--Concerning a prohibition against using telephone records without authorization.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Bacon, Entz, Fitz-Gerald, Gordon, Hanna, Isgar, Johnson, Jones, Keller, Lamborn, Mitchell, Owen, Shaffer, Tapia, Taylor, Tochtrop, Traylor, Williams and Windels.

**SB06-119** by Senator(s) Groff; also Representative(s) Garcia--Concerning an increase in the aggregate outstanding principal amount of bonds that may be secured by the state's moral obligation to the Colorado educational and cultural facilities authority.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Tapia and Williams.

**SB06-137** by Senator(s) Williams; also Representative(s) Massey--Concerning the elimination of outdated provisions of law related to the elementary and secondary education system resulting from the law's obsolescence or infrequency of use, and, in connection therewith, repealing or amending various provisions of law.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	N	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

**HB06-1049** by Representative(s) Witwer; also Senator(s) Grossman--Concerning limitations on liability for owners of abandoned mining operations on land made available for public recreational purposes.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Bacon, Brophy, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Isgar, Keller, Kester, Lamborn, McElhany, Mitchell, Shaffer, Teck, Tochtrop, Traylor, Veiga, Williams and Windels.

**SB06-100** by Senator(s) Sandoval, Gordon, Tochtrop, Williams, Isgar; also Representative(s) Pommer, Cerbo, Madden--Concerning the creation of a Colorado "Kids First" special license plate.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	N		

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

Co-sponsors added: Groff, Hanna, Jones, Keller, McElhany, Shaffer and Veiga.

**SB06-080** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the creation of the support the troops special license plate for motor vehicles.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	N		

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

Co-sponsors added: Entz, Evans, Gordon, Isgar, Johnson, Keller, Shaffer, Taylor and Veiga.

**SB06-028** by Senator(s) Lamborn; also Representative(s) Frangas--Concerning the creation of a bronze star special license plate, and making an appropriation therefor.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	N		

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

Co-sponsors added: Entz, Evans, Jones, Keller, May R., Sandoval, Shaffer, Tapia, Taylor and Williams.

**SB06-115** by Senator(s) Takis; also Representative(s) Larson--Concerning the rights of a local government with regard to the construction of a private toll road or toll highway.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Mitchell and Tochtrop.

**SB06-010** by Senator(s) Isgar; also Representative(s) Ragsdale, Larson, McFadyen, Pommer-- Concerning the appearance of a commercial vehicle's owner in a court hearing concerning a permit or documentation violation.

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	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Entz.

**SB06-167** by Senator(s) Hanna, Bacon, Groff, Grossman, Keller, Takis, Williams, Windels; also Representative(s) Sullivan--Concerning workplace accommodations for breastfeeding mothers.

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

YES	13	NO	21	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	N
Brophy	N	Isgar	N	Owen	N	Traylor	N
Dyer	N	Johnson	N	Sandoval	N	Tupa	Y
Entz	N	Jones	N	Shaffer	Y	Veiga	N
Evans	N	Keller	Y	Spence	N	Wiens	E
Gordon	N	Kester	N	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **LOST**.

**NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB06-167**

Having voted on the prevailing side, Senator Gordon gave notice of intent to move for reconsideration of **SB06-167**.

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 (HB06-1027, SB06-171) of February 22 was laid over until Thursday, February 23, retaining its place on the calendar.

Committee of the Whole

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

**SB06-102** by Senator(s) Williams, Hagedorn, Shaffer, Evans, Isgar, Kester; also Representative(s) Larson, Benefield, Berens, Madden, McCluskey, Merrifield, Todd, Massey, White-- Concerning limited criminal immunity for licensed medical caregivers who with consent provide palliative care to terminally ill patients.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 15, pages 209-210 and placed in members' bill files.)

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

**SB06-040** by Senator(s) Teck; --Concerning increased consumer protections with regard to negative option plans.

Laid over until Friday, February 24, retaining its place on the calendar.

**SB06-123** by Senator(s) Owen; also Representative(s) Hall--Concerning the authority of military forces to use lethal force.

Laid over until Friday, February 24, retaining its place on the calendar.

**SB06-164** by Senator(s) Keller, Entz, Hanna; --Concerning the business practices of pharmacy benefit managers.

Laid over until Friday, February 24, retaining its place on the calendar.

**SB06-109** by Senator(s) Tochtrop; also Representative(s) Butcher--Concerning a prohibition against the use of credit-based insurance scoring for insurance underwriting purposes.

(Amended in General Orders as printed in Senate Journal, February 10, page 177, and Senate Journal, February 21, page 287.)

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

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 (SB06-153, SB06-159, SB06-156, SB06-068, SB06-037, SB06-143, SB06-125, SB06-168) of February 22, was laid over until Thursday, February 23, retaining its place on the calendar.

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

On motion of Senator Takis, 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: SB06-102 as amended.  
Referred to the Committee on Appropriations: SB06-109 as amended.  
Laid over until Thursday, February 23: SB06-153, SB06-159, SB06-156, SB06-068, SB06-037, SB06-143, SB06-125, SB06-168.  
Laid over until Friday, February 24: SB06-040, SB06-123, SB06-164.

**MESSAGE FROM THE GOVERNOR**

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

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  
COLORADO CIVIL RIGHTS COMMISSION**

for a term expiring March 13, 2007:

Virginia Butler of Denver, Colorado, to fill the vacancy occasioned by the resignation of Joseph M. Samuel of Denver, Colorado, and to serve as a representative of the community at large and as a Republican, appointed;

for terms expiring March 13, 2009:

Dr. Delio D. Tamayo of Aurora, Colorado, to serve as a representative of the community at large and as a Democrat, reappointed;

Eva M. Valdez of Pueblo, Colorado, to serve as a representative of the community at large and as a Democrat, appointed.

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

Committee on Judiciary

December 7, 2005

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

Ladies and Gentlemen:

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

**MEMBER OF THE  
COLORADO CIVIL RIGHTS COMMISSION**

for a term expiring March 13, 2008:

Randy A. Reed of Castle Rock, Colorado, to fill the vacancy occasioned by the resignation of James R. Sullivan of Larkspur, Colorado, and to serve as a representative of local government and as a Republican, appointed.

Sincerely,  
(signed)  
Bill Owens

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Governor  
Rec'd: 12/29/05  
Karen Goldman, Secretary of the Senate

Committee on Judiciary

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
COLORADO HEALTH FACILITIES AUTHORITY  
BOARD OF DIRECTORS

for terms expiring June 30, 2009:

Andrea C. Dikeou of Denver, Colorado, to serve as a Republican, reappointed;

H. Ben Weindling of Pueblo, Colorado, to serve as a Democrat, reappointed;

Lance L. Luckett of Carbondale, Colorado, to serve as a Democrat, reappointed.

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

Committee on Health & Human Services

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:

MEMBER OF THE  
COLORADO HEALTH FACILITIES AUTHORITY  
BOARD OF DIRECTORS

for a term expiring June 30, 2007:

Ann C. Kiley of Denver, Colorado, to fill the vacancy occasioned by the resignation of Mary A. Fairchild of Denver, Colorado, and to serve as a Democrat, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

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Rec'd: 10/13/05  
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

August 3, 2005

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

Ladies and Gentlemen:

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

MEMBER OF THE  
STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2007:

Gregory A. Etl of Iliff, Colorado, to serve as a representative of county commissioners, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 8/24/05  
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

November 28, 2005

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

Ladies and Gentlemen:

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

MEMBER OF THE  
STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2009:

Jean P. Snoddy of Aurora, Colorado, to fill the vacancy occasioned by the resignation of Shirl McGuire-Belden of Grand Junction, Colorado, and to serve as a member of the public, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 12/29/05  
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

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November 28, 2005

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

Ladies and Gentlemen:

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

MEMBER OF THE  
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Suzanne S. Ageton of Boulder, Colorado, to fill the vacancy occasioned by the resignation of Jacklynne A. Herbst of Lakewood, Colorado, and to serve as a local elected official, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 12/29/05  
Karen Goldman, Secretary of the Senate

Committee on Judiciary

June 20, 2005

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

Ladies and Gentlemen:

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

MEMBER OF THE  
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2009:

Henry R. Reeve of Denver, Colorado, to serve as an attorney and as an Unaffiliated, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 7/6/05  
Karen Kuhlmann, Asst. Secretary

Committee on Finance

July 25, 2005

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

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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  
SECURITIES BOARD**

for terms expiring July 1, 2008:

John L. Herzog of Colorado Springs, Colorado, to serve as a member of the public at large, appointed;

Herrick K. Lidstone, Jr. of Centennial, Colorado, to serve as a member who is licensed by the State Supreme Court to practice law in the state of Colorado and who is conversant in securities law, reappointed.

Sincerely,  
(signed)

Bill Owens  
Governor

Rec'd: 8/2/05

Karen Kuhlmann, Asst. Secretary

Committee on Business, Labor & Technology

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

**MEMBERS OF THE  
BOARD OF TRUSTEES FOR THE COLORADO  
SCHOOL FOR THE DEAF AND THE BLIND**

for a term expiring July 1, 2006:

Kay A. Ferrell of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Ronald E. Harlow of Highlands Ranch, Colorado, and to serve as a Republican, appointed;

for a term expiring July 1, 2008:

David N. Dawson of Boulder, Colorado, to fill the vacancy occasioned by the resignation of Douglas J. Miles of Manitou Springs, Colorado, and to serve as representative of the blind community and as a Democrat, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

**MEMBERS OF THE  
COLORADO STATE FAIR AUTHORITY  
BOARD OF COMMISSIONERS**

for a term expiring November 1, 2008:

Catherine R. Ross of Granby, Colorado, to serve as a representative of the Second

Congressional District and as a resident of the Western Slope and as a Democrat, appointed.

for a term expiring November 1, 2006:

Sheldon R. Jones of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Janette L. Kochis of Matheson, Colorado, to serve as a Republican from the Sixth Congressional District, appointed;

for terms expiring November 1, 2009:

Loren R. Whittemore of Rush, Colorado, to serve as a representative from the Fifth Congressional District and as a Republican, reappointed;

Vince L. Vigil of Pueblo, Colorado, to serve as a representative from the Third Congressional District with expertise in finance through management-level experience in banking and as a Democrat, reappointed;

Raeana J. Wadhams of Pueblo, Colorado, to serve as a resident of the county in which the Colorado state fair and industrial exposition is held and as a Democrat, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	E
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Tapia, Chairman, Keller, and Owen as Senate Conferees on the First Conference Committee on **HB06-1215**.

**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **HB06-1009** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB06-1042** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **SB06-181** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB06-150** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

**"SECTION 1. Repeal.** 16-11-102.3, Colorado Revised Statutes, is repealed.";

strike lines 4 through 26.

Strike pages 3 and 4.

Page 5, strike lines 1 through 22 and substitute the following:

"SECTION 2. Part 1 of article 11 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**16-11-102.4. Genetic testing of convicted offenders.**

(1) BEGINNING JULY 1, 2006, THE FOLLOWING CONVICTED OFFENDERS MUST SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE PERSON'S BIOLOGICAL SUBSTANCE SAMPLE TO DETERMINE THE GENETIC MARKERS THEREOF:

(a) EVERY PERSON SERVING A SENTENCE IN THE DEPARTMENT OF CORRECTIONS. THE SAMPLE SHALL BE COLLECTED AT LEAST THIRTY DAYS PRIOR TO THE PERSON'S DISCHARGE OR RELEASE FROM CUSTODY OR RELEASE ON PAROLE, OR TRANSFER TO COMMUNITY CORRECTIONS PLACEMENT.

(b) EVERY PERSON WHO IS ON PROBATION FOR A FELONY CONVICTION, WHO HAS NOT PREVIOUSLY SUBMITTED TO CHEMICAL TESTING. THE SAMPLE SHALL BE COLLECTED PRIOR TO OCTOBER 1, 2006. THIS PARAGRAPH (b) SHALL NOT APPLY TO PERSONS ON PROBATION PURSUANT TO DEFERRED SENTENCING AS AUTHORIZED IN SECTION 18-1.3-102, C.R.S., UNLESS OTHERWISE REQUIRED TO SUBMIT TO A SAMPLE IN THIS SECTION, OR UNLESS THE DEFERRED SENTENCING IS REVOKED AND A SENTENCE IS ENTERED.

(c) EVERY PERSON WHO IS IN A COUNTY JAIL OR A COMMUNITY CORRECTIONS FACILITY PURSUANT TO ARTICLE 27 OF TITLE 17, C.R.S. FOR A FELONY CONVICTION AND WHO HAS NOT PREVIOUSLY SUBMITTED TO CHEMICAL TESTING. THIS SAMPLE SHALL BE COLLECTED PRIOR TO OCTOBER 1, 2006.

(d) EVERY PERSON SENTENCED FOR A FELONY CONVICTION ON OR AFTER JULY 1, 2006. THIS PARAGRAPH (d) SHALL NOT APPLY TO PERSONS SENTENCED TO PROBATION PURSUANT TO DEFERRED SENTENCING AS AUTHORIZED IN SECTION 18-1.3-102, C.R.S., UNLESS OTHERWISE REQUIRED TO SUBMIT TO A SAMPLE IN THIS SECTION, OR UNLESS THE DEFERRED SENTENCING IS REVOKED AND A SENTENCE IS ENTERED. THE SAMPLE SHALL BE COLLECTED:

(I) FOR SENTENCES TO THE DEPARTMENT OF CORRECTIONS DURING THE INTAKE PROCESS BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED BY THE DEPARTMENT;

(II) FOR SENTENCES TO COUNTY JAIL OR COMMUNITY CORRECTIONS NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED INTO CUSTODY; AND

(III) FOR SENTENCES TO PROBATION, NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS PLACED ON PROBATION.

(e) EVERY PERSON WHO IS SENTENCED FOR A CONVICTION OF, OR WHO RECEIVES A DEFERRED JUDGMENT AND SENTENCE FOR, AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVES UNLAWFUL SEXUAL BEHAVIOR. "UNLAWFUL SEXUAL BEHAVIOR" SHALL HAVE THE SAME MEANING AS IN SECTION 16-22-102(9). THE SAMPLE SHALL BE COLLECTED:

(I) FOR SENTENCES TO THE DEPARTMENT OF CORRECTIONS DURING THE INTAKE PROCESS BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED BY THE DEPARTMENT;

(II) FOR SENTENCES TO COUNTY JAIL OR COMMUNITY CORRECTIONS NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED INTO CUSTODY; AND

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(III) FOR SENTENCES TO PROBATION, NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS PLACED ON PROBATION.

(2) "CONVICTED" FOR PURPOSES OF THIS SECTION MEANS HAVING RECEIVED A VERDICT OF GUILTY BY A JUDGE OR JURY OR HAVING PLED GUILTY OR NOLO CONTENDERE. EXCEPT WHERE OTHERWISE INDICATED, "CONVICTED" DOES NOT INCLUDE DEFERRED SENTENCING PURSUANT TO SECTION 18-1.3-102, C.R.S., UNLESS THE DEFERRED SENTENCE IS REVOKED AND A SENTENCE IS ENTERED.

(3) THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, A SHERIFF, OR A CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BIOLOGICAL SUBSTANCE SAMPLES IN ACCORDANCE WITH THIS SECTION USING MEDICALLY RECOGNIZED PROCEDURES. IN ADDITION, A PERSON'S REFUSAL TO COMPLY WITH THIS SECTION MAY BE GROUNDS FOR REVOCATION OR DENIAL OF PAROLE, PROBATION, OR DEFERRED JUDGMENT AND SENTENCE. FAILURE TO PAY FOR A CHEMICAL TESTING OF A BIOLOGICAL SUBSTANCE SAMPLE SHALL BE CONSIDERED A REFUSAL TO COMPLY IF THE OFFENDER HAS THE PRESENT ABILITY TO PAY.

(4) ANY MONEYS RECEIVED FROM OFFENDERS PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.6, C.R.S.

(5) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BIOLOGICAL SUBSTANCE SAMPLES OBTAINED PURSUANT TO THIS SECTION. THE RESULTS THEREOF SHALL BE FILED AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION AND SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST. THE COLORADO BUREAU OF INVESTIGATION SHALL STORE AND PRESERVE ALL BIOLOGICAL SUBSTANCE SAMPLES.

(6) THIS SECTION SHALL NOT APPLY TO JUVENILE ADJUDICATIONS UNDER TITLE 19."

Renumber succeeding sections accordingly.

Page 8, line 7, strike "16-11-102.3 (3.5) (b), C.R.S.," and substitute "16-11-102.4, C.R.S.";

line 10, strike "16-11-102.3 (3.5) (b), C.R.S.," and substitute "16-11-102.4, C.R.S.";

strike lines 24 through 27.

Page 9, strike lines 1 through 22 and substitute the following:

**SECTION 11. Repeal.** 19-2-924.5, Colorado Revised Statutes, is repealed.

**SECTION 12. Repeal.** 19-2-925.5, Colorado Revised Statutes, is repealed.

**SECTION 13.** Part 9 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**"19-2-925.6. Genetic testing of adjudicated offenders.**

(1) BEGINNING JULY 1, 2006, THE FOLLOWING ADJUDICATED DELINQUENTS MUST SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE PERSON'S BIOLOGICAL SUBSTANCE SAMPLE TO DETERMINE THE GENETIC MARKERS THEREOF:

(a) EVERY PERSON WHO IS IN THE CUSTODY OF HUMAN SERVICES FOLLOWING ADJUDICATION RESULTING IN COMMITMENT FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT. THE SAMPLE SHALL BE COLLECTED AT LEAST THIRTY DAYS PRIOR TO THE PERSON'S DISCHARGE OR RELEASE FROM CUSTODY OR RELEASE ON PAROLE.

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(b) EVERY PERSON WHO IS ON PROBATION FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT, WHO HAS NOT PREVIOUSLY SUBMITTED TO CHEMICAL TESTING. THE SAMPLE SHALL BE COLLECTED PRIOR TO OCTOBER 1, 2006. THIS PARAGRAPH (b) SHALL NOT APPLY TO PERSONS ON PROBATION PURSUANT TO A DEFERRED ADJUDICATION UNLESS OTHERWISE REQUIRED TO SUBMIT TO A SAMPLE IN THIS SECTION, OR UNLESS THE DEFERRED SENTENCING IS REVOKED AND A SENTENCE IS ENTERED.

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(c) EVERY PERSON WHO IS IN A COUNTY JAIL FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT WHO HAS NOT PREVIOUSLY SUBMITTED TO CHEMICAL TESTING. THIS SAMPLE SHALL BE COLLECTED PRIOR TO OCTOBER 1, 2006.

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(d) EVERY PERSON SENTENCED ON OR AFTER JULY 1, 2006 FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT. THIS PARAGRAPH (d) SHALL NOT APPLY TO PERSONS SENTENCED TO PROBATION PURSUANT TO A DEFERRED ADJUDICATION, UNLESS OTHERWISE REQUIRED TO SUBMIT TO A SAMPLE IN THIS SECTION, OR UNLESS THE DEFERRED SENTENCING IS REVOKED AND A SENTENCE IS ENTERED. THE SAMPLE SHALL BE COLLECTED:

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(I) FOR SENTENCES TO THE DEPARTMENT OF HUMAN SERVICES DURING THE INTAKE PROCESS BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED BY THE DEPARTMENT;

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(II) FOR SENTENCES TO COUNTY JAIL NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED INTO CUSTODY; AND

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(III) FOR SENTENCES TO PROBATION, NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS PLACED ON PROBATION.

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(e) EVERY PERSON WHO IS SENTENCED FOR AN ADJUDICATION OF, OR WHO RECEIVES A DEFERRED ADJUDICATION FOR, AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVES UNLAWFUL SEXUAL BEHAVIOR. "UNLAWFUL SEXUAL BEHAVIOR" SHALL HAVE THE SAME MEANING AS IN SECTION 16-22-102 (9), C.R.S. THE SAMPLE SHALL BE COLLECTED:

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(I) FOR SENTENCES TO THE DEPARTMENT OF HUMAN SERVICES DURING THE INTAKE PROCESS BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED BY THE DEPARTMENT;

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(II) FOR SENTENCES TO COUNTY JAIL NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS RECEIVED INTO CUSTODY; AND

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(III) FOR SENTENCES TO PROBATION, NO LATER THAN THIRTY DAYS AFTER THE OFFENDER IS PLACED ON PROBATION.

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(2) "CONVICTED" FOR PURPOSES OF THIS SECTION MEANS HAVING RECEIVED A VERDICT OF GUILTY BY A JUDGE OR JURY OR HAVING PLED GUILTY OR NOLO CONTENDERE. EXCEPT WHERE OTHERWISE INDICATED, "CONVICTED" DOES NOT INCLUDE DEFERRED ADJUDICATION UNLESS THE DEFERRED ADJUDICATION IS REVOKED AND A SENTENCE IS ENTERED.

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(3) THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, A SHERIFF, OR A CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BIOLOGICAL SUBSTANCE SAMPLES IN ACCORDANCE WITH THIS SECTION USING MEDICALLY RECOGNIZED PROCEDURES. IN ADDITION, A PERSON'S REFUSAL TO COMPLY WITH THIS SECTION MAY BE GROUNDS FOR REVOCATION OR DENIAL OF PAROLE, PROBATION, OR DEFERRED ADJUDICATION. FAILURE TO PAY FOR A CHEMICAL TESTING OF A BIOLOGICAL SUBSTANCE SAMPLE SHALL BE CONSIDERED A REFUSAL TO COMPLY IF THE OFFENDER HAS THE PRESENT ABILITY TO PAY.

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(4) ANY MONEYS RECEIVED FROM OFFENDERS PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.6, C.R.S.

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(5) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BIOLOGICAL SUBSTANCE SAMPLES OBTAINED PURSUANT TO THIS SECTION. THE RESULTS THEREOF SHALL BE FILED AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION AND SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST. THE COLORADO BUREAU OF INVESTIGATION SHALL STORE AND PRESERVE ALL BIOLOGICAL SUBSTANCE SAMPLES."

Renumber succeeding sections accordingly.

Page 10, strike lines 2 and 3 and substitute the following:

"sections ~~16-11-102.3, 16-11-104, 16-11-204.3~~, 16-11-102.4, 18-1.3-407, ~~19-2-924.5, and 19-2-925.5, C.R.S.~~ AND 19-2-925.6, C.R.S. Subject to annual appropriations by the general";

strike lines 24 through 26 and substitute the following:

"determine genetic markers conducted pursuant to sections 16-11-102.3, 16-11-102.4, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S."

Page 11, strike lines 6 through 8 and substitute the following:

"to determine the genetic markers conducted pursuant to sections 16-11-102.3, 16-11-102.4, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S."

Judiciary After consideration on the merits, the Committee recommends that **SB06-187** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB06-089** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

**SECTION 1.** 38-33.3-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**38-33.3-103. Definitions.** As used in the declaration and bylaws of an association, unless specifically provided otherwise or unless the context otherwise requires, and in this article:

(20.5) "MIXED-USE DEVELOPMENT" MEANS A COMMON INTEREST COMMUNITY THAT CONTAINS TWO OR MORE OF THE FOLLOWING ELEMENTS: RESIDENTIAL, COMMERCIAL, BUSINESS, RETAIL, OFFICE, AGRICULTURAL, RECREATIONAL, OR INDUSTRIAL.

(21.5) "PHASED COMMUNITY" MEANS A COMMON INTEREST COMMUNITY IN WHICH THE DECLARANT RETAINS DEVELOPMENT RIGHTS."

Renumber succeeding sections accordingly.

Page 3, line 1, strike "(1) (c) (I)," and substitute "(1) (c),";

strike lines 8 through 27 and substitute the following:

"(c) (I) The display of a political sign by a unit owner on that unit owner's property or in a window of the unit owner's residence; except that:

(A) An association may prohibit the display of political signs earlier than forty-five days before the day of an election and later than seven days after an election day; AND

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(B) An association may regulate the size and number of political signs ~~that may be placed on a unit owner's property if the association's regulation is no more restrictive than any applicable city, town, or county ordinance that regulates the size and number of political signs on residential property. If the city, town, or county in which the property is located does not regulate the size and number of political signs on residential property~~ IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).

(II) The association shall permit at least one political sign per political office or ballot issue that is contested in a pending election. ~~with~~ The maximum dimensions of each sign may be limited to the lesser of the following:

(A) THE MAXIMUM SIZE ALLOWED BY ANY APPLICABLE CITY, TOWN, OR COUNTY ORDINANCE THAT REGULATES THE SIZE OF POLITICAL SIGNS ON RESIDENTIAL PROPERTY; OR

(B) Thirty-six inches by forty-eight inches. ~~on a unit owner's property.~~

~~(H)~~ (III) As used in this paragraph (c), "political sign" means a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

(d) The parking of a motor vehicle by THE OCCUPANT OF a unit ~~owner~~ on a street, driveway, or guest parking area in the common interest community if the vehicle is required to be available at designated periods at ~~the unit owner's~~ SUCH OCCUPANT'S residence as a condition of the ~~unit owner's~~ OCCUPANT'S employment and all of the following criteria are met:".

Page 4, line 1, strike "unit owner" and substitute "~~unit owner~~ OCCUPANT";  
 line 8, after "owners", insert "OR OCCUPANTS";  
 after line 9, insert the following:

**SECTION 3.** 38-33.3-117 (1) (g), (1.5) (a), and (1.5) (e), Colorado Revised Statutes, are amended to read:

**38-33.3-117. Applicability to preexisting common interest communities.** (1) Except as provided in section 38-33.3-119, the following sections shall apply to all common interest communities created within this state before July 1, 1992, with respect to events and circumstances occurring on or after July 1, 1992:

(g) 38-33.3-122 and 38-33.3-123; ~~(2);~~

(1.5) Except as provided in section 38-33.3-119, the following sections shall apply to all common interest communities created within this state before July 1, 1992, with respect to events and circumstances occurring on or after January 1, 2006:

(a) ~~38-33.3-123(1);~~

(e) ~~38-33.3-223;~~".

Re-number succeeding sections accordingly.

Page 5, strike lines 23 through 27.

Page 6, strike lines 1 through 3 and substitute the following:

"(j) A LIST OF THE ASSOCIATION'S MAINTENANCE RESPONSIBILITIES AS PROVIDED FOR IN THE COMMON INTEREST COMMUNITY'S DECLARATION RELATED TO THE COMMON ELEMENTS AND UNITS.

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**SECTION 7.** 38-33.3-209.4, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-33.3-209.4. Public disclosures required - identity of association - agent - manager - contact information.** (2.5) IN ADDITION TO THE DISCLOSURES REQUIRED IN PARAGRAPHS (a) TO (j) OF SUBSECTION (2) OF THIS SECTION, EACH ASSOCIATION IS ENCOURAGED, BUT NOT REQUIRED, TO DISCLOSE A LIST OF THE ASSOCIATION'S INSURANCE RESPONSIBILITIES AS PROVIDED FOR IN THE COMMON INTEREST COMMUNITY'S DECLARATION RELATED TO THE COMMON ELEMENTS, UNITS, OWNER'S PROPERTY, AND OWNER'S LIABILITY WITHIN UNITS. SUCH LIST SHALL STATE THAT UNIT OWNERS ARE RESPONSIBLE FOR DETERMINING WHAT ADDITIONAL INDIVIDUAL INSURANCE COVERAGE MUST BE CARRIED TO COVER INSURANCE RESPONSIBILITIES NOT ALLOCATED TO THE ASSOCIATION IN THE DECLARATION. IT SHALL BE IN THE EXECUTIVE BOARD'S SOLE DISCRETION TO DETERMINE THE SCOPE OF THE LIST, IF PROVIDED. NEITHER THE ASSOCIATION NOR ANY EXECUTIVE BOARD MEMBER SHALL BE LIABLE FOR THE CONTENTS OF THE LIST SO LONG AS PREPARATION OF THE LIST WAS NOT WILLFULLY OR GROSSLY NEGLIGENT."

Renumber succeeding sections accordingly.

Page 6, line 11, strike "A CASH" and substitute "AN ACCRUAL, CASH,";

strike line 12 and substitute "ACCRUAL BASIS OF ACCOUNTING; and";

strike lines 22 through 27.

Page 7, strike lines 1 and 2 and substitute the following:

**"38-33.3-217. Amendment of declaration.** (1) (a) (I) Except in cases of amendments that may be executed by a declarant under section 38-33.3-205 (4) and (5), 38-33.3-208 (3), 38-33.3-209 (6), 38-33.3-210, or 38-33.3-222, by an association under section 38-33.3-107, 38-33.3-206 (4), 38-33.3-208 (2), 38-33.3-212, 38-33.3-213, or 38-33.3-218 (11) and (12), or by the district court for any county that includes all or any portion of a common interest community under subsection (7) of this section, and except as limited by subsection (4) of this section, AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the declaration,";

after line 16, insert the following:

"(II) THIS PARAGRAPH (a) SHALL NOT APPLY:

(A) TO THE EXTENT THAT ITS APPLICATION IS LIMITED BY SUBSECTION (4) OF THIS SECTION;

(B) TO AMENDMENTS EXECUTED BY A DECLARANT UNDER SECTION 38-33.3-205 (4) AND (5), 38-33.3-208 (3), 38-33.3-209 (6), 38-33.3-210, OR 38-33.3-222;

(C) TO AMENDMENTS EXECUTED BY AN ASSOCIATION UNDER SECTION 38-33.3-107, 38-33.3-206 (4), 38-33.3-208 (2), 38-33.3-212, 38-33.3-213, OR 38-33.3-218 (11) AND (12);

(D) TO AMENDMENTS EXECUTED BY THE DISTRICT COURT FOR ANY COUNTY THAT INCLUDES ALL OR ANY PORTION OF A COMMON INTEREST COMMUNITY UNDER SUBSECTION (7) OF THIS SECTION; OR

(E) TO AMENDMENTS THAT AFFECT MIXED-USE DEVELOPMENTS, PHASED COMMUNITIES, OR DECLARANT-CONTROLLED COMMUNITIES."

Page 9, strike lines 1 through 12 and substitute the following:

**"SECTION 10. Repeal.** 38-33.3-223, Colorado Revised Statutes, is repealed.

**SECTION 11.** 38-33.3-303 (2), Colorado Revised Statutes, is

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amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**38-33.3-303. Executive board members and officers - powers and duties - audit.** (2) (c) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE OFFICERS AND MEMBERS OF THE EXECUTIVE BOARD SHALL NOT BE LIABLE FOR THE FINANCIAL RESULTS OF ANY INVESTMENT OF RESERVE FUNDS IF THE CONDUCT OF SUCH OFFICERS AND MEMBERS IN MAKING SUCH INVESTMENT WAS PERMISSIBLE UNDER THE PRINCIPLE OF LAW GENERALLY KNOWN AS THE BUSINESS JUDGMENT RULE."

Renumber succeeding sections accordingly.

Page 9, line 21, strike "a" and substitute "a AN INDEPENDENT";

line 23, strike "IS TO BE PREPARED";

strike lines 24 through 27 and substitute the following:

"REPORT SHALL COVER THE ASSOCIATION'S FINANCIAL STATEMENTS, WHICH SHALL BE PREPARED USING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES ON THE ACCRUAL BASIS OF ACCOUNTING OR USING ANOTHER COMPREHENSIVE BASIS OF ACCOUNTING."

Page 12, line 18, strike "THE MEETING," and substitute "AN OPEN MEETING,".

Page 14, after line 23, insert the following:

**SECTION 16.** 38-35.7-102, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**38-35.7-102. Disclosure - common interest community - obligation to pay assessments - requirement for architectural approval.** (1) EVERY CONTRACT FOR THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY IN A COMMON INTEREST COMMUNITY SHALL CONTAIN A DISCLOSURE STATEMENT IN BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE AND IN SUBSTANTIALLY THE FOLLOWING FORM:

**"THE PROPERTY IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION FOR SUCH COMMUNITY. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO BE A MEMBER OF THE OWNER'S ASSOCIATION FOR THE COMMUNITY AND WILL BE SUBJECT TO THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE PROPERTY, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS OF THE ASSOCIATION. IF THE OWNER DOES NOT PAY THESE ASSESSMENTS, THE ASSOCIATION COULD PLACE A LIEN ON THE PROPERTY AND POSSIBLY SELL IT TO PAY THE DEBT. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE COMMUNITY MAY PROHIBIT THE OWNER FROM MAKING CHANGES TO THE PROPERTY WITHOUT AN ARCHITECTURAL REVIEW BY THE ASSOCIATION (OR A COMMITTEE OF THE ASSOCIATION) AND THE APPROVAL OF THE ASSOCIATION. PURCHASERS OF PROPERTY WITHIN THE COMMON INTEREST COMMUNITY SHOULD INVESTIGATE THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION. PURCHASERS SHOULD CAREFULLY READ THE DECLARATION FOR**

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**THE COMMUNITY AND THE BYLAWS AND  
RULES AND REGULATIONS OF THE  
ASSOCIATION."**

(2) (a) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH IN SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER, AND, IN THE EVENT OF THE FAILURE BY THE SELLER TO PROVIDE THE WRITTEN DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE PURCHASER SHALL HAVE A CLAIM FOR RELIEF AGAINST THE SELLER FOR ACTUAL DAMAGES DIRECTLY AND PROXIMATELY CAUSED BY SUCH FAILURE PLUS COURT COSTS. IT SHALL BE AN AFFIRMATIVE DEFENSE TO ANY CLAIM FOR DAMAGES BROUGHT UNDER THIS SECTION THAT THE PURCHASER HAD ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF THE FACTS AND INFORMATION REQUIRED TO BE DISCLOSED.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), CONTRACTS FOR THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY PREPARED BY A LICENSED REAL ESTATE BROKER SHALL NOT BE REQUIRED TO CONTAIN THE DISCLOSURE SET FORTH IN SUBSECTION (1) OF THIS SECTION UNTIL THE REAL ESTATE COMMISSION HAS PROMULGATED A FORM OF PURCHASE AND SALE CONTRACT, OR ADDENDUM THERETO, THAT CONTAINS SUCH DISCLOSURE, AND, UNTIL SUCH FORM HAS BEEN PROMULGATED, SELLERS REPRESENTED BY A LICENSED REAL ESTATE BROKER SHALL NOT BE LIABLE FOR FAILING TO PROVIDE SUCH DISCLOSURE.

(3) THIS SECTION SHALL NOT APPLY TO THE SALE OF A UNIT THAT IS A TIME SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7)."

Renumber succeeding sections accordingly.

Page 15, line 16, strike "(2) (j)," and substitute "(2.5)."

Judiciary

After consideration on the merits, the Committee recommends that **SCR06-002** be referred to the Committee of the Whole with favorable recommendation.

**MESSAGE FROM THE HOUSE**

February 22, 2006  
Madame President:

The House has adopted and returns herewith SJR06-010.

**SENATE SERVICES REPORT**

**Correctly Printed:** SJR06-010.  
**Correctly Engrossed:** SB06-010, 028, 080, 091, 100, 115, 119, 137, and 167.  
**Correctly Reengrossed:** SB06-075, 134, and 163.  
**Correctly Revised:** HB06-1049.  
**Correctly Rerevised:** HB06-1215.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature:

SB06-009 on Tuesday, February 21, 2006, 2:50 P.M.

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 February 22 was laid over until Thursday, February 23, retaining its place on the calendar.

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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Thursday, February 23, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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