

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

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48th Legislative Day Monday, February 27, 2006

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Prayer By the chaplain, Rev. Bill Calhoun, Montview Boulevard Presbyterian Church.

Pledge By Senator Groff.

Call to Order By the President at 10:00 a.m.

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

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Brophy, reading of the Journal of February 24, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

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**COMMITTEE OF REFERENCE REPORTS**

Appropriations After consideration on the merits, the Committee recommends that **SB06-038** 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 10, insert the following:

**"SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund, created in section 10-1-103 (3), Colorado Revised Statutes, to the department of regulatory agencies, division of insurance, for insurance fraud prosecution, for the fiscal year beginning July 1, 2006, the sum of three hundred fifty-six thousand nine hundred seventy-four dollars (\$356,974), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for allocation to the insurance fraud unit, for the fiscal year beginning July 1, 2006, the sum of three hundred fifty-six thousand nine hundred seventy-four dollars (\$356,974) and 5.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, line 101, strike "FRAUD." and substitute "FRAUD, AND MAKING AN APPROPRIATION."

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SJR06-012** by Senator(s) Traylor; also Representative(s) Green--Concerning the proclamation of March 2006 as "Colorectal Cancer Awareness Month".

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

On motion of Senator Mitchell, and with a majority of those elected to the Senate having voted in the affirmative, the following remarks of Senator Hanna and Senator McElhany were ordered spread upon the pages of the journal.

Senator Hanna's remarks:

During the last week I have had a chance to reflect on my action -- the action that you've heard so much about. And I stand before you today offering you my most sincere and heartfelt apology for a lapse in good judgment.

In the aftermath of a very tough campaign, my discussions with the Colorado Association of Realtors was heated and confused. There was miscommunication on both sides.

But, nevertheless, that letter I sent to the Realtor's Small Donor Committee was wrong.

All relationships -- including ours in our business -- should be based on honesty, trust and respect. I felt I was losing those important values in my interactions with them and as a result I wrote that letter in July of 2005.

As I look back and re-read that letter -- which I've done a dozen or more times since last week -- I can clearly see that I used words and phrases that were very inappropriate.

In the heat of a battle, we do and say things that we are not proud of. And this is just such a case.

What I wrote cannot be condoned under any circumstance -- and I have written an apology to the Board of Realtors.

My actions reflect poorly not only upon myself -- but places you, my fellow senators, in a bad light -- and for that I am truly sorry.

To my constituents and all citizens of the State, I ask for your forgiveness for what was a grave misjudgment. I let my emotions overrule good sense.

Like anything in life, when you are wrong -- you apologize -- you learn from it -- and you try not to make that same mistake twice.

I have truly learned from this experience. I am a wiser and much more humble person.

The Senate procedures are in place and I will fully cooperate with that process.

As a person less than perfect -- I humbly apologize to my constituents, to the citizens of this state and to all of you.

Thank you for allowing me these few moments.

Senator McElhany's remarks:

I commend Senator Hanna for apologizing to the body and her constituents. I think what she did is tough to do. None of us would want to be in that position.

But I would also say that it doesn't erase the facts of the case. And I think the thing that most concerns me is the number of times that I have heard, "Well everybody does it", but this is the only time anybody ever put it in writing. And I think that is extremely disturbing, because everybody doesn't do it. And in fact, I know of very few people who do do it. And the fact that so few people do that sort of thing, that the ones who do do it become the exception rather than the rule, the ones that are talked about over coffee or at cocktail parties or whatever.

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So the reputation of the political process of the Senate has suffered, and for the political process to work, the citizens must maintain some level of confidence in our system of legislation and the political institutions. So I would hope that the ethics committee that has been assembled would go forth and would take appropriate actions in this case.

They say the facts of the case have not changed. An apology does not erase those facts, and I would call on Senator Hanna to resign her seat and let it be filled by somebody who will support this institution.

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## INTRODUCTION OF BILLS -- FIRST READING

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

- SB06-196** by Senator(s) Hagedorn; also Representative(s) McGihon--Concerning the authority of the governor to appoint a nurse in good standing to the state board of nursing when there is not a candidate available who meets the existing requirements for appointment.  
Health and Human Services
- SB06-197** by Senator(s) Isgar; also Representative(s) Curry--Concerning an extension of the period during which the voluntary contribution designation benefiting the nongame and endangered wildlife cash fund shall appear on the state individual income tax return forms.  
Finance
- HB06-1072** by Representative(s) Vigil; also Senator(s) Tapia--Concerning the issuance of special license plates honoring service in the armed forces of the United States, and, in connection therewith, authorizing family members of a person who has died serving in the United States armed forces to be issued a fallen service member special license plate, and making an appropriation in connection therewith.  
Transportation
- HB06-1073** by Representative(s) Knoedler; also Senator(s) Hanna--Concerning the repeal of the requirement that a luxury limousine have certain features, and, in connection therewith, repealing the requirement that a luxury limousine have a television, a telephone, and beverages.  
State, Veterans & Military Affairs
- HB06-1086** by Representative(s) Crane; also Senator(s) Johnson--Concerning the regulation of games of chance by the secretary of state, and making an appropriation therefor.  
Transportation
- HB06-1147** by Representative(s) Plant, Coleman, Curry, Larson, Pommer, White; also Senator(s) Johnson, Gordon, Groff, Grossman, Tochtrop, Windels--Concerning measures to promote energy efficiency, and making an appropriation in connection therewith.  
Agriculture, Natural Resources & Energy
- HB06-1185** by Representative(s) Curry, Borodkin, Lindstrom, Madden, McFadyen, Pommer, Sullivan, Lundberg, Merrifield, Weissmann; also Senator(s) Isgar--Concerning the provision of compensation to a surface owner for a decrease in fair market value of a surface estate reasonably expected to result from oil and gas operations, and, in connection therewith, modifying notification procedures for applications for surface development.  
Agriculture, Natural Resources & Energy
- HB06-1190** by Representative(s) Crane; also Senator(s) Jones--Concerning strengthening extradition laws.  
Judiciary
- HB06-1191** by Representative(s) Kerr, Schultheis, Balmer, Berens, Crane, Gallegos, Knoedler, Liston, Massey, Stafford, White, Witwer; also Senator(s) Keller--Concerning a mandatory recount in an election in which more than one candidate is to be elected.  
State, Veterans & Military Affairs
- HB06-1198** by Representative(s) Liston; also Senator(s) Hanna--Concerning provisional ballots cast by electors in a county other than their county of residence.  
State, Veterans & Military Affairs
- HB06-1237** by Representative(s) Carroll T.; also Senator(s) Dyer--Concerning defenses for landowners in premises liability actions.  
Judiciary

- HB06-1240** by Representative(s) Marshall; also Senator(s) Groff--Concerning measures to improve the academic performance of unsatisfactory public schools.  
Education
- 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.  
Transportation
- HB06-1260** by Representative(s) Jahn; also Senator(s) Veiga--Concerning student loan programs in the department of higher education.  
Education
- HB06-1268** by Representative(s) Riesberg; also Senator(s) Bacon--Concerning the right of cemeteries to reclaim abandoned interment sites.  
Local Government
- HB06-1271** by Representative(s) Jahn; also Senator(s) Johnson--Concerning types of specialized foster care.  
Health and Human Services
- 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.  
Health and Human Services
- HB06-1254** by Representative(s) Cerbo; also Senator(s) Veiga--Concerning co-ownership of real property.  
Business, Labor and Technology

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 -- SJR06-008.

**CONSIDERATION OF RESOLUTIONS**

- SJR06-008** by Senator(s) Keller; also Representative(s) Boyd--Concerning recognizing the Colorado talking book library on its seventy-fifth anniversary.

On motion of Senator Keller, 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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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, Kester, Lamborn, May R., McElhany, Mitchell, Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Veiga, Wiens, Williams and Windels.

**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:

**HB06-1027** by Representative(s) Lindstrom; also Senator(s) Johnson--Concerning persons authorized as peace officers in Colorado.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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**.

**HB06-1051** by Representative(s) Witwer; also Senator(s) Sandoval--Concerning elections to recall elected officials.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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: Evans.

**HB06-1002** by Representative(s) Carroll M., Borodkin, Butcher, Cerbo, Coleman, McCluskey, Paccione; also Senator(s) Isgar--Concerning the continuation of the office of consumer counsel for the purpose of representing the public interest in matters concerning utilities regulated by the public utilities commission.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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, Grossman and Hagedorn.

**HB06-1140** by Representative(s) McCluskey; also Senator(s) Veiga--Concerning the registration of trademarks.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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: Evans.

**HB06-1040** by Representative(s) Marshall, Coleman, Paccione; also Senator(s) Veiga--Concerning the sunset review of the functions of the division of insurance, and, in connection therewith, continuing the functions of the division relating to the issuance of certificates of authority for health and life insurers, adding the sunset review of the division's regulation of life insurance and health care coverage, broadening the sunset review of the regulation of property and casualty insurance, and requiring the division to track information pertaining to its compliance with the uniform certificate of authority application process.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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.

**HB06-1009** by Representative(s) Liston; also Senator(s) Spence--Concerning an increase in the limit on the amount of money to be collected as penalties for delinquent property tax payments that the county treasurer is authorized to refrain from collecting.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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**.

**HB06-1042** by Representative(s) Kerr; also Senator(s) Jones--Concerning the repeal of certain provisions of the "Bank Electronic Funds Act".

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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**.

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

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

**SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--Concerning title 7 of the Colorado Revised Statutes.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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.

**SCR06-002** by Senator(s) Owen; also Representative(s) Coleman--Submitting to the registered electors of the state of Colorado amendments to articles XVII, XVIII, XX, XXIV, and XXVI of the constitution of the state of Colorado, concerning the elimination of obsolete provisions of the state constitution.

The question being "Shall the concurrent resolution 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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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, Kester, Lamborn, May R. and Mitchell.

**SB06-180** by Senator(s) Isgar; also Representative(s) Green--Concerning the premium rates charged for coverage under CoverColorado.

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	E
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
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, Groff, Hanna, Keller, Kester, Mitchell, Sandoval, Shaffer, Takis, Taylor, Tochtrop, Veiga, Williams and Windels.

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

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	N	Sandoval	Y	Tupa	E
Entz	Y	Jones	N	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
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	N	McElhany	N	Teck	N		

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

Co-sponsors added: Groff, Shaffer, Takis and Windels.

Committee of the Whole On motion of Senator Shaffer, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Shaffer 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, (HB06-1175) was advanced to the beginning of the General Orders -- Second Reading of Bills calendar.

**HB06-1175** by Representative(s) May M., Pommer, Larson, Balmer, Benefield, Berens, Boyd, Carroll T., Frangas, Hall, Lindstrom, McCluskey, McGihon, Riesberg, Soper, Stengel, Sullivan, Todd, Vigil; also Senator(s) Grossman, Evans, Fitz-Gerald, Groff, Johnson, Tupa, Windels--Concerning enactment of the "Colorado Clean Indoor Air Act", and, in connection therewith, prohibiting smoking in indoor enclosed areas, including places of employment.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 23, page 323, was declared LOST.)

Amendment No. 2(L.057), by Senator Owen.

Amend reengrossed bill, page 11, after line 9, insert the following:

"(k) THE PREMISES OF A PRIVATE MEMBERSHIP ORGANIZATION. AS USED IN THIS PARAGRAPH (j), A "PRIVATE MEMBERSHIP ORGANIZATION"

MEANS A PRIVATE CLUB OR OTHER ORGANIZATION THAT MAINTAINS A ROSTER OF DUES-PAYING MEMBERS THAT IS UPDATED ON A MONTHLY OR LESS FREQUENT BASIS."

Amendment No. 3(L.063), by Senator Taylor.

Amend reengrossed bill, page 11, after line 9 , insert the following:

"(k) THE BUSINESS PREMISES OF A RACETRACK OR OTHER FACILITY, LICENSED UNDER ARTICLE 60 OF TITLE 12, C.R.S., OTHER THAN ANY PORTION OF THE PREMISES THAT IS IDENTIFIED AS A RESTAURANT."

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

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 (SB06-168, SB06-071, SB06-037, SB06-143, SB06-125 as amended, SB06-177, SB06-159 as amended, SB06-040 as amended, SB06-089, SB06-171, SB06-185, HB06-1136, HB06-1048) of February 27, was laid over until Tuesday, February 28, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB06-1175** by Representative(s) May M., Pommer, Larson, Balmer, Benefield, Berens, Boyd, Carroll T., Frangas, Hall, Lindstrom, McCluskey, McGihon, Riesberg, Soper, Stengel, Sullivan, Todd, Vigil; also Senator(s) Grossman, Evans, Fitz-Gerald, Groff, Johnson, Tupa, Windels- Concerning enactment of the "Colorado Clean Indoor Air Act", and, in connection therewith, prohibiting smoking in indoor enclosed areas, including places of employment.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.052) to HB 06-1175, did pass.

Strike the Judiciary Committee Report, dated February 22, 2006, and substitute the following:

"Amend reengrossed bill, page 11, strike lines 8 and 9 and substitute the following:

"(j) AN ESTABLISHMENT THAT IS LICENSED UNDER ARTICLE 47 OF TITLE 12, C.R.S., AND DERIVES TWENTY-FIVE PERCENT OR LESS OF ITS ANNUAL GROSS REVENUE FROM THE SALE OF FOOD." ."

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	18	NO	16	EXCUSED	1	ABSENT	0
Bacon	N	Hanna	N	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	N	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	N	Tupa	E
Entz	Y	Jones	Y	Shaffer	N	Veiga	N
Evans	N	Keller	N	Spence	Y	Wiens	N
Gordon	N	Kester	Y	Takis	Y	Williams	N
Groff	N	Lamborn	Y	Tapia	N	Windels	N
Grossman	N	May R.	Y	Taylor	Y	President	N
Hagedorn	Y	McElhany	Y	Teck	Y		

Senator Grossman moved to amend the Report of the Committee of the Whole to show that the following Owen floor amendment, (L.057) to HB 06-1175, did not pass.

Amend reengrossed bill, page 11, after line 9, insert the following:

"(k) THE PREMISES OF A PRIVATE MEMBERSHIP ORGANIZATION. AS USED IN THIS PARAGRAPH (j), A "PRIVATE MEMBERSHIP ORGANIZATION" MEANS A PRIVATE CLUB OR OTHER ORGANIZATION THAT MAINTAINS A ROSTER OF DUES-PAYING MEMBERS THAT IS UPDATED ON A MONTHLY OR LESS FREQUENT BASIS."

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	N
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	N	Sandoval	Y	Tupa	E
Entz	N	Jones	N	Shaffer	N	Veiga	Y
Evans	Y	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	N	Takis	N	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		

Senator Tochtrop moved to amend the Report of the Committee of the Whole to show that the following Tochtrop floor amendment, (L.060) to HB 06-1175, did pass.

Amend reengrossed bill, page 11, after line 9, insert the following:

"(k) PREMISES OWNED OR RENTED BY A BINGO-RAFFLE LICENSEE FOR THE CONDUCT OF GAMES OF CHANCE PURSUANT TO ARTICLE 9 OF TITLE 12, C.R.S., WHILE THE PREMISES ARE BEING USED FOR THE CONDUCT OF GAMES OF CHANCE."

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

YES	17	NO	17	EXCUSED	1	ABSENT	0
Bacon	N	Hanna	N	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	N	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	N	Tupa	E
Entz	Y	Jones	Y	Shaffer	N	Veiga	N
Evans	N	Keller	N	Spence	Y	Wiens	N
Gordon	N	Kester	Y	Takis	Y	Williams	N
Groff	N	Lamborn	Y	Tapia	N	Windels	N
Grossman	N	May R.	Y	Taylor	Y	President	N
Hagedorn	N	McElhany	Y	Teck	Y		

Senator Teck moved to amend the Report of the Committee of the Whole to show that the following Teck floor amendment, (L.061) to HB 06-1175, did pass.

Amend reengrossed bill, page 11, line 26, strike "**authorized.**" and substitute "**authorized - coordination of statewide and preexisting local provisions.**"

Page 12, strike lines 8 and 9 and substitute the following:

"2; EXCEPT THAT:

(I) A LOCAL AUTHORITY MAY SPECIFY A RADIUS OF LESS THAN FIFTEEN FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY; AND

(II) IF A LOCAL AUTHORITY ADOPTED CLEAN INDOOR AIR LEGISLATION BEFORE JANUARY 1, 2006, THIS PART 2 SHALL NOT APPLY IN THE JURISDICTION OF THAT LOCAL AUTHORITY UNLESS AND UNTIL SUCH LOCAL LEGISLATION IS AMENDED OR REPEALED."

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

YES	17	NO	17	EXCUSED	1	ABSENT	0
Bacon	N	Hanna	N	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	N
Dyer	Y	Johnson	N	Sandoval	N	Tupa	E
Entz	Y	Jones	Y	Shaffer	N	Veiga	N
Evans	N	Keller	N	Spence	Y	Wiens	Y
Gordon	N	Kester	Y	Takis	Y	Williams	N
Groff	N	Lamborn	Y	Tapia	N	Windels	N
Grossman	N	May R.	Y	Taylor	Y	President	N
Hagedorn	N	McElhany	Y	Teck	Y		

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

Senator Shaffer moved for the adoption of the Report of the Committee of the Whole.

Senator McElhany requested a roll call vote on adoption of the Report of the Committee of the Whole.

The Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	E
Entz	N	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	N	Wiens	N
Gordon	Y	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		

The following action was taken:

Passed on Second Reading: HB06-1175 as amended.  
 Laid over until Tuesday, February 28: SB06-168, SB06-071, SB06-037, SB06-143, SB06-125 as amended, SB06-177, SB06-159 as amended, SB06-040 as amended, SB06-089, SB06-171, SB06-185, HB06-1136, HB06-1048.

**COMMITTEE OF REFERENCE REPORTS**

Education

After consideration on the merits, the Committee recommends that **SB06-184** be referred to the Committee on Appropriations with favorable recommendation.

**MESSAGE FROM THE HOUSE**

February 27, 2006  
 Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1267, 1321, 1256, 1340, 1328, 1341.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1255, amended as printed in House Journal, February 20, page 418.  
 HB06-1309, amended as printed in House Journal, February 22, pages 473-474.  
 HB06-1318, amended as printed in House Journal, February 22, page 477.  
 HB06-1075, amended as printed in House Journal, February 24, pages 512-513.  
 HB06-1071, amended as printed in House Journal, February 24, page 513.  
 HB06-1207, amended as printed in House Journal, February 24, page 514.  
 HB06-1243, amended as printed in House Journal, February 24, page 513.

The House has passed on Third Reading and returns herewith SB06-003.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;  
SB06-016, amended as printed in House Journal, February 24, page 513.  
SB06-084, amended as printed in House Journal, February 24, pages 513-514.

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**SENATE SERVICES REPORT**

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**Correctly Engrossed:** SB164, 180, and 187; SCR06-002.  
**Correctly Reengrossed:** SB06-068, and 154.  
**Correctly Revised:** HB06-1002, 1009, 1027, 1040, 1042, 1051, and 1140.  
**Correctly Rerevised:** HB06-1063.

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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 balance of the calendar of February 27 was laid over until  
Tuesday, February 28 retaining its place on the calendar.

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Consideration of Governor's Appointments:  
Members of the Board of Assessment Appeals.  
Conference Committees to Report: HB06-1215.

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

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Approved:

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Joan Fitz-Gerald  
President of the Senate

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Attest:

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Karen Goldman  
Secretary of the Senate

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