

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

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107th Legislative Day Thursday, April 27, 2006

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Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	11
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Pledge	By Senator May.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--35.	18
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Quorum	The President announced a quorum present.	20
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Reading of Journal	On motion of Senator Johnson, reading of the Journal of April 26, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	22
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**COMMITTEE OF REFERENCE REPORTS**

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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB06-1314</b> be referred to the Committee of the Whole with favorable recommendation.	29
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB06-233</b> be referred to the Committee of the Whole with favorable recommendation.	35
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Education	After consideration on the merits, the Committee recommends that <b>SB06-232</b> be postponed indefinitely.	41
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**INTRODUCTION OF BILLS -- FIRST READING**

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	The following bill was read by title and referred to the committee indicated:	50
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<b>HB06-1158</b>	by Representative(s) Weissmann; also Senator(s) Tupa, Groff, Grossman--Concerning school safety inspections, and making an appropriation in connection therewith.	52
	Business, Labor and Technology	53
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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 -- SJR06-015.

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**CONSIDERATION OF RESOLUTIONS**

**SJR06-015** by Senator(s) Jones, Williams, Shaffer; also Representative(s) Merrifield, Solano, Hefley--  
Concerning young children with challenging behaviors.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 14, page 873 and placed in members' bill files.)

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

**COMMITTEE OF REFERENCE REPORTS**

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-162** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-174** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-235** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-228** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB06-234** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 4, insert the following:

"(1.5) "ENERGY STAR" MEANS THE VOLUNTARY PARTNERSHIP AMONG THE UNITED STATES DEPARTMENT OF ENERGY, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PRODUCT MANUFACTURERS, LOCAL UTILITIES, AND RETAILERS DESIGNED TO ENCOURAGE LARGE SCALE BUYERS AND INDIVIDUAL CONSUMERS TO

PURCHASE ENERGY-EFFICIENT PRODUCTS."

Page 5, line 1, strike "A" and substitute "SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, A";

line 20, after "CERTIFICATION", insert "ORENERGY STAR BENCHMARKING";

after line 22, insert the following:

"(2) NO REQUEST FOR PROPOSALS REQUIRED BY PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL IDENTIFY ANY EVALUATION FACTOR UPON WHICH A CONTRACT AWARD SHALL BE BASED, INCLUDING WITHOUT LIMITATION, ANY OF THE EVALUATION FACTORS SPECIFIED IN SUBPARAGRAPHS (I) THROUGH (VI) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THAT IS IN CONFLICT WITH ANY FEDERAL LAW OR FEDERAL RULE."

**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SJR06-051** by Senator(s) McElhany, Fitz-Gerald, Gordon; also Representative(s) Madden, Romanoff, May M.--Concerning the convening date for the 2007 First Regular Session of the Sixty-sixth General Assembly.

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

**INTRODUCTION OF BILLS -- FIRST READING**

The following bill was read by title and referred to the committee indicated:

**SB06-237** by Senator(s) Grossman, Hagedorn, Isgar, Spence, Teck; also Representative(s) Balmer, Benefield, Carroll T., McKinley, Stengel--Concerning interoperable communications among public safety radio systems.  
Local Government

**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:

**SB06-138** by Senator(s) Shaffer, Entz, Fitz-Gerald, Kester; also Representative(s) Gardner, Gallegos, Hodge, Rose--Concerning the requirement that gasoline contain at least a specified percentage of ethanol by volume.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	N
Brophy	Y	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

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

Co-sponsors added: Bacon, Brophy, Groff, Tapia, Tochtrop, Tupa, Williams and Windels.

**REVERSAL OF VOTE ON SB06-138**

**SB06-138** by Senator(s) Shaffer, Entz, Fitz-Gerald, Kester; also Representative(s) Gardner, Gallegos, Hodge, Rose--Concerning the requirement that gasoline contain at least a specified percentage of ethanol by volume.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration and reversal of the vote on **SB06-138**. The roll call was taken with the following result:

YES	11	NO	24	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	N	Isgar	N	Owen	N	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	N
Entz	N	Keller	N	Spence	Y	Wiens	N
Evans	N	Kester	N	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	N	McElhany	Y	Teck	Y		

**THIRD READING OF BILLS -- FINAL PASSAGE (cont.)**

**SB06-031** by Senator(s) Jones; also Representative(s) Merrifield--Concerning authorizing payment of college opportunity fund stipends for education programs on military bases.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	N
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	N	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

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

Co-sponsors added: Boyd, Dyer, Entz, Evans, Hagedorn, Johnson, Kester, Lamborn, May R., McElhany, Mitchell, Shaffer, Spence, Taylor, Teck, Tochtrop, Traylor, Wiens and Williams.

**HB06-1090** by Representative(s) Green; also Senator(s) Tupa--Concerning unlawful sexual behavior.

Senator Lamborn moved that **HB06-1090** lay over until Monday, May 1, retaining its place on the calendar.

The motion was declared **LOST** on the following roll call vote:

YES	12	NO	23	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	N	Isgar	N	Owen	N	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	N
Entz	Y	Keller	N	Spence	Y	Wiens	Y
Evans	Y	Kester	N	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	N	Taylor	N	President	N
Grossman	N	McElhany	Y	Teck	N		

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

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

Co-sponsors added: Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Grossman, Isgar, May R., Shaffer, Takis, Teck, Williams and Windels.

**REVERSAL OF VOTE ON HB06-1090**

**HB06-1090** by Representative(s) Green; also Senator(s) Tupa--Concerning unlawful sexual behavior.

Having voted on the prevailing side, Senator Tupa moved for immediate reconsideration and reversal of the vote on **HB06-1090**. The roll call was taken with the following result:

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

**MESSAGE FROM THE HOUSE**

April 27, 2006  
Madame President:

The House has adopted and transmits herewith HJM06-1003.

**INTRODUCTION AND CONSIDERATION OF MEMORIALS**

**HJM06-1003** by Representative(s) Carroll T.; also Senator(s) Gordon--Memorializing former senator and representative Lawrence M. Henry.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May R., McElhany,

Mitchell, Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

**RECALL OF HB06-1281**

Senator Gordon moved for recall of **HB06-1281** for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**. The bill was ordered recalled from the House.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the Committee recommends that **HB06-1363** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1153** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB06-1151** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 22, strike "VIOLENCE," and substitute "VIOLENCE COMMITTED BY SUCH PERSON,".

Judiciary After consideration on the merits, the Committee recommends that **HB06-1011** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 12, strike "(4)," and substitute "(3),".

Page 3, line 3, strike "(4)," and substitute "(3),";

line 12, strike "(4);" and substitute "(3);";

strike lines 26 and 27.

Page 4, strike lines 1 and 2.

Renumber succeeding subsections accordingly.

Page 5, line 15, strike "(4)" and substitute "(3)".

Page 7, line 19, strike "(4);" and substitute "(3);".

Page 8, strike lines 5 and 6 and substitute the following:

"PROVIDES ELECTRONIC COMMUNICATIONS OR REMOTE COMPUTING AS DEFINED IN 18 U.S.C. SEC. 119 AND SEC. 121, TO CUSTOMERS IN COLORADO.";

strike lines 19 through 27 and substitute the following:

"(2) (a) AN INTERNET ACCESS PROVIDER SHALL RELEASE EVIDENCE REGARDING UNLAWFUL SEXUAL CONDUCT WITHIN TEN DAYS AFTER RECEIVING A COURT ORDER REQUIRING THE INTERNET ACCESS PROVIDER TO RELEASE SUCH EVIDENCE TO LAW ENFORCEMENT. IF THE INTERNET ACCESS PROVIDER DEMONSTRATES TO THE REQUESTING LAW ENFORCEMENT AGENCY WITHIN FIVE DAYS OF THE REQUEST THAT, FOR BONA FIDE TECHNICAL REASONS, IT CANNOT COMPLY WITH THE ORDER WITHIN TEN DAYS OF THE REQUEST, IT SHALL MAKE EVERY REASONABLE EFFORT TO COMPLY WITH THE REQUEST IMMEDIATELY AND WITHOUT DELAY.

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(b) IN CONNECTION WITH ANY CRIMINAL INVESTIGATION REGARDING POSSIBLE SEX OFFENSES INVOLVING A CHILD UNDER SECTION 18-1.3-1003, C.R.S., THAT INVOLVES IMMEDIATE DANGER OF DEATH OR SERIOUS BODILY HARM, A LAW ENFORCEMENT AGENCY IN THIS STATE MAY ISSUE A REQUEST, WITHOUT COMPULSORY LEGAL PROCESS OR COURT ORDER, TO A DESIGNATED RECIPIENT OF THE INTERNET ACCESS PROVIDER TO DISCLOSE, CONSISTENT WITH 18 U.S.C. SEC. 2702 (c) (4), THE INFORMATION IDENTIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2). THE INTERNET SERVICE PROVIDER SHALL COMPLY WITH THE REQUEST IMMEDIATELY AND WITHOUT DELAY, OR IF UNABLE TO IMMEDIATELY COMPLY, COMMUNICATE WITH THE REQUESTING AGENCY TO DISCUSS THE NATURE OF THE REQUEST AND TO COORDINATE A TIMELY RESPONSE."

Page 9, strike lines 1 through 5 and substitute the following:

"(3) AN INTERNET ACCESS PROVIDER DOING BUSINESS IN THIS STATE SHALL REPORT INCIDENTS OF APPARENT CHILD PORNOGRAPHY TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN PURSUANT TO 42 U.S.C. SEC. 13032. THE REPORT SHALL INCLUDE, IF APPLICABLE AND AVAILABLE, INFORMATION PERTAINING TO THE SUBSCRIBER, INCLUDING BUT NOT LIMITED TO INTERNET PROTOCOL ADDRESSES, CITY AND STATE OR ZIP CODE OF THE SUBSCRIBER, ALTERNATIVE EMAIL ADDRESS OR INTERNET PROTOCOL ADDRESSES OF OTHER INTERNET ACCESS PROVIDERS CONNECTED TO THE ACCOUNT, THE DATE AND TIME THE ACCOUNT WAS CREATED, AND THE CURRENT STATUS OF THE ACCOUNT.";

line 8, strike "REQUEST," and substitute "REQUEST OF THE ATTORNEY GENERAL,";

strike lines 11 and 12 and substitute the following:

"CHILDREN, THE INTERNET ACCESS PROVIDER'S LAW ENFORCEMENT COMPLIANCE PRACTICES, AND CONTACT INFORMATION FOR THE INTERNET ACCESS PROVIDER AND ITS DESIGNATED RECIPIENT FOR LAW ENFORCEMENT REQUESTS.";

line 15, strike "PROVIDERS." and substitute "PROVIDERS, INCLUDING BUT NOT LIMITED TO 18 U.S.C. 2701, ET SEQ. AND 42 U.S.C. 13032.".

Page 10, line 7, strike "LIABILITY." and substitute "LIABILITY TO THE STATE.".

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1149** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 20, after "OPPOSING," insert "OR";

line 21, strike "AMENDING, OR MONITORING" and substitute "AMENDING";

line 24, strike "OR MONITOR".

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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 General Orders -- Second Reading of Bills -- Consent Calendar (HB06-1323, HB06-1364) of April 27 was laid over until Friday, April 28, retaining its place on the calendar.

Committee of the Whole

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On motion of Senator Veiga, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Veiga was called to the Chair to act as Chairman.

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**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:

**SB06-143** by Senator(s) Fitz-Gerald; also Representative(s) Madden--Concerning the statute of limitations for civil actions alleging unlawful sexual conduct.

Laid over until May 11, 2006.

**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.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 21, pages 565-566 and placed in members' bill files.)

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

Amend the State, Veterans, and Military Affairs Committee Report, dated March 20, 2006, page 1, line 18, strike "ALL APPLICANTS AND";

line 21, after "SURCHARGE", insert "ON A SLIDING OR GRADUATED SCALE, BASED ON THE QUARTERLY GROSS RECEIPTS OF EACH LICENSEE THAT IS REQUIRED TO FILE QUARTERLY REPORTS OR PAY FEES UNDER SECTION 12-9-107.5 (5) OR SECTION 12-9-108 (6) (b), AND".

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

**HB06-1161** by Representative(s) Vigil, Massey; also Senator(s) Veiga--Concerning the regulation of mortgage brokers, and, in connection therewith, making an appropriation.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, March 30, page 680 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 20, page 981 and placed in members' bill files.)

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

**HB06-1127** by Representative(s) Riesberg, Todd; also Senator(s) Williams--Concerning the regulation of athletic trainers, and making an appropriation in connection therewith.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, March 16, pages 510-511 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 20, page 981 and placed in members' bill files.)

Amendment No. 3(L.026), by Senator Williams.

Amend reengrossed bill, page 3, line 6, strike "PART 3," and substitute "ARTICLE,";

line 14, strike "12-29.7-112." and substitute "12-29.7-113.".

Page 5, line 1, strike "PART" and substitute "ARTICLE";

line 2, strike "3".

Page 8, strike lines 12 through 20 and substitute the following:

"(5) (a) A LICENSEE SHALL BE REQUIRED TO RENEW THE LICENSE ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE APPLICANT FOR RENEWAL OF A LICENSE SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER

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DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

(b) LICENSES SHALL BE RENEWED OR REINSTATED IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE".

Page 11, line 16, strike "SUBSECTIONS (3), (4), (5), (6) AND (7) OF".

Page 12, line 14, strike "FAILS" and substitute "HAS FAILED";

line 15, after "BEYOND THE", insert "SCOPE OF PRACTICE OR".

Page 13, line 14, strike "BOARD," and substitute "DIRECTOR,".

Page 14, line 1, strike "OR";

after line 9, insert the following:

(o) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY ATHLETIC TRAINING DIPLOMA, CERTIFICATE, LICENSE, RENEWAL OF LICENSE, OR RECORD OR AIDED OR ABETTED SUCH ACT;

(p) HAS ADVERTISED, REPRESENTED, OR HELD ONESELF OUT, IN ANY MANNER, AS AN ATHLETIC TRAINER OR PRACTICED ATHLETIC TRAINING UNLESS LICENSED OR EXEMPT UNDER THIS ARTICLE;

(q) HAS USED IN CONNECTION WITH THE PERSON'S NAME ANY DESIGNATION TENDING TO IMPLY THAT THE PERSON IS AN ATHLETIC TRAINER WITHOUT BEING LICENSED OR EXEMPT UNDER THIS ARTICLE;

(r) HAS PRACTICED ATHLETIC TRAINING DURING THE TIME THE PERSON'S LICENSE WAS EXPIRED, SUSPENDED, OR REVOKED;

(s) HAS KNOWINGLY EMPLOYED A PERSON AS AN ATHLETIC TRAINER WHEN THE PERSON WAS NOT LICENSED UNDER THIS ARTICLE;

(t) HAS PRACTICED ATHLETIC TRAINING WITHOUT A LICENSE;

(u) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION, PROBATION, OR REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE ATHLETIC TRAINING IN THIS OR ANY OTHER JURISDICTION;

(v) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION WHEN ORDERED BY THE BOARD PURSUANT TO SECTION 12-29.7-110; OR

(w) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE."

Page 17, strike lines 20 through 27.

Page 18, strike lines 1 and 2.

Re-number succeeding subsections accordingly.

Page 18, after line 16, insert the following:

(12) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE."

Re-number succeeding subsection accordingly.

strike lines 22 through 27.

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Page 19, strike lines 1 through 21 and substitute the following:

"(14) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (15) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (15). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (15) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING

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SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (15), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

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

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

(18) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (9) OF THIS SECTION.

**12-29.7-110. Mental and physical examination of licensees.**

(1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN DESIGNATED BY THE DIRECTOR. UNLESS DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE LICENSEE REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE LICENSEE'S LICENSE UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE DIRECTOR HAS MADE A DETERMINATION OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE ITS DETERMINATION IN A TIMELY MANNER.

(2) AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION SHALL CONTAIN THE BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS ARTICLE, THE LICENSEE SHALL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED COMMUNICATIONS.

(3) THE LICENSEE MAY SUBMIT TO THE DIRECTOR TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE LICENSEE AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS ALLEGED MAY PRECLUDE THE LICENSEE FROM PRACTICING WITH REASONABLE SKILL AND SAFETY. THE TESTIMONY AND REPORTS SUBMITTED BY THE LICENSEE MAY BE CONSIDERED BY THE DIRECTOR IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED BY THE DIRECTOR.

(4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE

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DEEMED A PUBLIC RECORD NOR BE MADE AVAILABLE TO THE PUBLIC.

**12-29.7-111. Unauthorized practice - penalties.** A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S."

Renumber succeeding C.R.S. sections accordingly.

Page 24, line 12, strike "12-29.7-112," and substitute "12-29.7-113,".

Amendment No. 4(L.027), by Senator Williams.

Amend reengrossed bill, page 20, after line 15, insert the following:

**"12-29.7-114. Professional liability insurance required.** IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE ATHLETIC TRAINING IN THIS STATE UNLESS THE PERSON IS COVERED BY A PROFESSIONAL LIABILITY INSURANCE POLICY IN AN AMOUNT NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS PER CLAIM WITH AN AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING THE YEAR OF THREE HUNDRED THOUSAND DOLLARS. THE PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS SECTION SHALL COVER ALL ACTS WITHIN THE SCOPE OF THE PRACTICE OF ATHLETIC TRAINING AS DEFINED THIS ARTICLE."

Renumber succeeding C.R.S. sections accordingly.

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

**HB06-1293** by Representative(s) Hoppe; also Senator(s) Grossman--Concerning the fees assessed on the review of water plans to replace depletion caused by evaporation from exposure that are required for open mining of sedimentary stone particulates used in construction materials, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 991 and placed in members' bill files.)

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

**HB06-1124** by Representative(s) Hodge; also Senator(s) Owen--Concerning the adjudication of a rotational crop management contract, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 991 and placed in members' bill files.)

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

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Senator Gordon moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:15 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

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Committee of the Whole in recess. Committee of the Whole reconvened.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, HB06-1046, HB06-1383, HB06-1072, HB06-1157, HB06-1147, HB06-1294, SB06-225, HB06-1054, SB06-221, HB06-1018, HB06-1381, HB06-1277, SB06-169 were advanced on the General Orders -- Second Reading of Bills calendar.

**HB06-1046** by Representative(s) Vigil, Coleman, White; also Senator(s) Hanna, Takis, Taylor-- Concerning regulation of private occupational schools, and making an appropriation therefor.

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

Amend reengrossed bill, page 2, strike lines 2 through 7.

Re-number succeeding sections accordingly.

Page 2, strike line 13.

Page 3, strike lines 1 through 5.

Re-letter succeeding paragraphs accordingly.

Page 3, strike line 8 and substitute "WHICH INSTRUCTIONAL STAFF AND PROSPECTIVE INSTRUCTIONAL STAFF, AS DEFINED BY BOARD RULE,";

line 9, strike "CREDENTIAL";

strike line 10 and substitute "FINGERPRINTS".

Page 4, line 3, strike "**Occupational credentials**" and substitute "**Submittal of fingerprints**";

line 5, strike "**grounds for denial.**" and substitute "**prerequisite for commencing or continuing employment.**" and strike "A PERSON WHO";

strike line 6 and substitute "INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF";

line 7, strike "AND";

line 8, strike "(n)" and substitute "(m)";

strike line 9 and substitute "1, 2006, IN ORDER TO COMMENCE OR CONTINUE EMPLOYMENT AT A DESIGNATED SCHOOL,";

line 10, strike "MATERIALS,";

line 16, strike "THE APPLICANT. THE APPLICANT" and substitute "INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF. INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF";

line 21, strike "CREDENTIALING APPLICATION, INCLUDING A";

line 22, strike "REVIEW OF THE";

line 23, strike "BUREAU." and substitute "BUREAU AND CONSIDER THE RESULTS IN ASSESSING WHETHER INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF MEET MINIMUM STANDARDS OF QUALIFICATION, AS ESTABLISHED BY THE BOARD PURSUANT TO SECTION 12-59-106, NECESSARY TO COMMENCE OR CONTINUE EMPLOYMENT AT THE DESIGNATED SCHOOL.";

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strike line 24 and substitute the following:

"(b) INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF";

line 25, strike "OCCUPATIONAL CREDENTIAL";

line 27, strike "THE APPLICANT" and substitute "HE OR SHE".

Page 5, strike line 4 and substitute "THE BOARD FOR THE NECESSARY QUALIFICATIONS OF INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF,";

line 5, strike "CREDENTIAL,";

line 6, after "SECTION", insert "AND RESULTS CONSISTENT WITH THE MINIMUM STANDARDS OF QUALIFICATION ESTABLISHED BY THE BOARD PURSUANT TO SECTION 12-59-106" and strike "THE ISSUANCE OR";

strike line 7 and substitute "COMMENCING OR CONTINUING EMPLOYMENT AS INSTRUCTIONAL STAFF WHO";

line 9, strike "(n)" and substitute "(m)".

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

**HB06-1383** by Representative(s) Jahn; also Senator(s) Owen--Concerning the regulation of insurers' market conduct by the commissioner of insurance.

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

**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.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, March 16, pages 508-509 and placed in members' bill files.)

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

**HB06-1157** by Representative(s) Coleman, Buescher, Garcia, Marshall, Romanoff, Stengel, White; also Senator(s) May R., Williams--Concerning the security of communication and information resources in public agencies, and making an appropriation in connection therewith.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 23, pages 590-592 and placed in members' bill files.)

Amendment No. 2(L.015), by Senator May.

Amend reengrossed bill, page 7, line 16, strike "AND APPROVE STATE" and substitute "PUBLIC";

line 17, strike "SYSTEMS." and substitute "SYSTEMS AND APPROVE SUCH BUDGET REQUESTS FOR STATE AGENCIES OTHER THAN THE LEGISLATIVE DEPARTMENT.";

line 24, strike "STATE" and substitute "PUBLIC";

line 26, strike "STATE" and substitute "PUBLIC".

Page 9, line 3, strike "STATE" and substitute "PUBLIC";

line 12, strike "HEAD" and substitute "THE HEAD AND CHIEF INFORMATION OFFICER".

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Page 10, line 12, after "HEAD", insert "AND CHIEF INFORMATION OFFICER".

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

**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.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 992 and placed in members' bill files.)

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

**HB06-1294** by Representative(s) Decker; also Senator(s) Isgar--Concerning the issuance of a rebuilder's certificate of title for motor vehicles for the purposes of restoring such vehicles.

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

**SB06-225** by Senator(s) Groff; also Representative(s) Paccione--Concerning the creation of a division in the Colorado state patrol to address human smuggling.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, April 11, page 817 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 992 and placed in members' bill files.)

Amendment No. 3(L.002), by Senator Groff.

Amend the State, Veterans & Military Affairs Committee Report, dated April 10, 2006, page 1, line 4, strike "S.B." and substitute "S.B.";";

after line 4, insert the following:

"line 13, strike "are" and substitute "is";

line 14, strike "become" and substitute "becomes".

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

**HB06-1054** by Representative(s) Plant; also Senator(s) Groff--Concerning AIDS prevention.

Laid over until Friday, April 28, retaining its place on the calendar.

**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.

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

(Printed in Senate Journal, April 18, page 937 and placed in members' bill files.)

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

**HB06-1018** by Representative(s) Riesberg; also Senator(s) Hagedorn, Bacon--Concerning an increase in the funding to the older Coloradans cash fund from the receipts collected from the state sales and use tax, and making an appropriation therefor.

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

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**HB06-1381** by Representative(s) McFadyen, Berens, Riesberg; also Senator(s) Bacon, Windels--  
Concerning notification to the capital development committee of requests for proposals  
relating to private prisons.

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

**HB06-1277** by Representative(s) Clapp; also Senator(s) Sandoval--Concerning the treatment of persons  
with a mental illness.

Amendment No. 1, Health and Human Services Committee Amendment.  
(Printed in Senate Journal, March 20, page 546-549 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 21, page 992 and placed in members' bill files.)

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

**SB06-169** by Senator(s) Tochtrop; --Concerning urban renewal, and, in connection therewith,  
eliminating blight as a condition permitting the establishment of an urban renewal authority  
or the approval of an urban renewal plan, restricting urban renewal activity to slum areas,  
and placing restrictions on the ability of an urban renewal authority to condemn property  
through eminent domain.

Laid over until Friday, April 28, retaining its place on the calendar.

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

On motion of Senator Veiga, 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: HB06-1086 as amended, HB06-1161 as amended, HB06-1127  
as amended, HB06-1293 as amended, HB06-1124 as amended, HB06-1046 as amended,  
HB06-1383, HB06-1072 as amended, HB06-1157 as amended, HB06-1147 as amended,  
HB06-1294, SB06-225 as amended, SB06-221 as amended, HB06-1018, HB06-1381,  
HB06-1277 as amended.

Laid over until Friday, April 28: HB06-1054, SB06-169.

Laid over until May 11, 2006: SB06-143.

**COMMITTEE OF REFERENCE REPORTS**

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

MEMBER OF THE  
STATE BOARD OF  
STOCK INSPECTION COMMISSIONERS

for a term expiring May 1, 2010:

Roger W. Hickert of Akron, Colorado, to represent the confinement cattle industry,  
reappointed.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB06-231** be  
postponed indefinitely.

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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that <b>SB06-226</b> be postponed indefinitely.	1 2 3 4 5 6
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that <b>HB06-1311</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7 8 9 10 11 12
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>HB06-1387</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend reengrossed bill, page 8, line 9, strike "BENEFITS" and substitute "ANY BENEFITS PROVIDED PURSUANT TO COUNTY PERSONNEL POLICY".	17 18 19
	Page 11, line 7, strike "CURE UNDER SECTION 38-38-104, A bid" and substitute "CURE, A bid,";	20 21 22
	strike line 8 and substitute the following:	23
	"as excess funds under section";	24
	line 9, strike "38-38-111, or for" and substitute " <del>38-38-111</del> PROCEEDS, or for A";	25 26 27 28
	line 10, strike "SECTION 38-38-301" and substitute "ARTICLE 38 OF THIS TITLE";	29 30 31
	after line 18, insert the following:	32 33
	<b>SECTION 5.</b> 38-37-113 (1) and (2), Colorado Revised Statutes, as the said (1) is amended by House Bill 06-1287, enacted at the Second Regular Session of the Sixty-fifth General Assembly, are amended to read:	34 35 36 37 38
	<b>38-37-113. Checking account - custodial funds.</b> (1) In the performance of his or her duties under this article and article 38 of this title, the public trustee of each county shall have the authority to establish and manage a ONE OR MORE OF THE FOLLOWING ACCOUNTS: AN AUTOMATED CLEARING HOUSE ACCOUNT, checking account, ESCROW ACCOUNT, CUSTODIAL ACCOUNT, similar banking services, or similar overnight depository account with A BANK OR SAVINGS AND LOAN ASSOCIATION THAT IS an eligible public depository under the "Public Deposit Protection Act", article 10.5 of title 11, C.R.S., OR THE "SAVINGS AND LOAN ASSOCIATION PUBLIC DEPOSIT PROTECTION ACT", ARTICLE 47 OF TITLE 11, C.R.S. A PUBLIC TRUSTEE MAY ALSO PARTICIPATE in local government investment pool trust funds as described in part 7 of article 75 of title 24, C.R.S., and INVEST PUBLIC FUNDS in eligible money market mutual funds described in part 6 of article 75 of title 24, C.R.S.	39 40 41 42 43 44 45 46 47 48 49 50 51 52 53
	(2) Other than fees and costs, which shall be governed by section 38-37-104, all moneys received by a public trustee for the purposes of a CURE, A bid, a cure under section <del>38-38-104</del> , as excess funds PROCEEDS under section <del>38-38-111</del> , or for A redemption under sections <del>38-38-302</del> and <del>38-38-303</del> ARTICLE 38 OF THIS TITLE shall be held as custodial funds for the party entitled to receive such moneys. ANY MONEYS THAT A HOLDER OF AN EVIDENCE OF DEBT IS ENTITLED TO RECEIVE MAY BE TRANSMITTED ELECTRONICALLY TO THE ATTORNEY FOR THE HOLDER IN THE MANNER SET FORTH IN A MEMORANDUM OF UNDERSTANDING BETWEEN THE ATTORNEY FOR THE HOLDER AND THE PUBLIC TRUSTEE. ALL ELECTRONIC TRANSMISSION FEES AND COSTS BETWEEN THE OFFICE OF THE PUBLIC TRUSTEE AND THE ATTORNEY FOR THE HOLDER SHALL BE AN ADDITIONAL FEE AND COST OF THE FORECLOSURE."	54 55 56 57 58 59 60 61 62 63 64 65 66 67 68
	Renumber succeeding sections accordingly.	69

Page 12, line 15, strike the second "NOTICE" and substitute "COMBINED NOTICE OF SALE, RIGHT TO CURE, AND RIGHT TO REDEEM".

Page 14, strike lines 11 through 13 and substitute the following:

"(14) "MAILING LIST" MEANS THE INITIAL MAILING LIST IN ACCORDANCE WITH SECTION 38-38-101 (1) (e), THE SUPPLEMENTAL MAILING LIST IN ACCORDANCE WITH SECTION 38-38-101 (1) (f), OR THE AMENDED MAILING LIST IN ACCORDANCE WITH SECTION 38-38-103 (2), PROVIDED TO THE OFFICER BY THE HOLDER OF THE EVIDENCE OF DEBT OR THE ATTORNEY FOR THE HOLDER.";

strike lines 25 and 26.

Renumber succeeding subsections accordingly.

Page 15, line 7, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE".

Page 16, line 20, strike "(21)" and substitute "(20)".

Page 18, line 8, strike "(21)" and substitute "(20)";

line 21, strike "(21)" and substitute "(20)";

line 26, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE" and, strike "AND";

strike line 27 and substitute the following:

"(e) AN INITIAL MAILING LIST CONTAINING THE NAMES AND ADDRESSES OF THE PERSONS LISTED IN SECTION 38-38-103 (1) (a) (I); AND

(f) NO LESS THAN SIXTY CALENDAR DAYS PRIOR TO THE FIRST SCHEDULED SALE DATE, A SUPPLEMENTAL MAILING LIST CONTAINING THE NAMES AND ADDRESSES OF THE PERSONS LISTED IN SECTION 38-38-103 (1) (a) (II)."

Page 19, line 4, strike "(21)" and substitute "(20)".

Page 22, line 19, strike "DEMAND, ANY" and substitute "DEMAND OR THE" and, strike "OR THE NOTICE OF SALE,";

line 21, strike "ANY" and substitute "THE" and, strike "THE NOTICE OF SALE,".

Page 23, line 17, strike "NOTICE OF SALE" and substitute "THE COMBINED NOTICE".

Page 25, line 7, strike "NOTICE OF SALE," and substitute "COMBINED NOTICE,";

line 13, strike "NOTICE OF SALE," and substitute "COMBINED NOTICE,";

line 14, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE".

Page 26, line 15, strike "**of sale, right to cure, and right to**";

line 16, strike "**redeem**";

line 19, before "MAILING", insert "INITIAL".

Page 27, line 9, strike "TO:" and substitute "TO THE FOLLOWING PERSONS AS SET FORTH IN THE SUPPLEMENTAL MAILING LIST:";

line 26, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE".

Page 28, line 21, strike "SEVENTY-FIVE" and substitute "SIXTY-FIVE";

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line 24, strike "SEVENTY" and substitute "SIXTY";	1
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line 26, strike "THE HOLDER" and substitute "AT ANY TIME AFTER THE FIRST PUBLICATION OF THE COMBINED NOTICE UNDER PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND PRIOR TO THE DATE OF SALE, THE HOLDER";	3
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line 27, strike "OFFICER NO" and substitute "OFFICER,".	8
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Page 29, strike line 1;	10
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line 2, strike "CALENDAR DAYS PRIOR TO THE DATE OF SALE,";	12
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line 3, strike "NOTICE OF SALE," and substitute "COMBINED NOTICE,";	14
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line 7, strike "THE MAILING LIST" and substitute "A MAILING LIST CONTAINING THE NAMES AND ADDRESSES OF THE PERSONS LISTED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION";	16
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line 27, strike "SPECIFIED IN THE NOTICE OF SALE" and substitute "DETERMINED".	21
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Page 30, line 2, strike "SPECIFIED IN THE NOTICE OF SALE" and substitute "DETERMINED";	24
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line 14, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE, OMITTING THE COPIES OF THE STATUTES UNDER PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION,";	27
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line 17, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE";	31
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line 19, strike "NOTICES OF SALE" and substitute "COMBINED NOTICE";	33
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strike lines 21 through 27.	35
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Page 31, strike lines 1 through 11.	37
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Page 36, line 13, strike "38-38-104 (1)." and substitute "38-38-104.".	39
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Page 48, line 14, strike "NOTICE OF SALE," and substitute "COMBINED NOTICE,";	41
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line 18, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE";	44
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line 22, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE";	46
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line 23, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE";	48
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line 25, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE";	50
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line 26, strike "NOTICE OF SALE." and substitute "COMBINED NOTICE.";	52
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line 27, strike "NOTICE OF SALE, OR CORRECTED NOTICE OF SALE" and substitute "COMBINED NOTICE, OR CORRECTED COMBINED NOTICE".	54
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Page 49, line 1, strike "NOTICE OF SALE" and substitute "COMBINED NOTICE".	57
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Page 50, line 25, strike "notice of sale" and substitute "COMBINED notice of sale".	60
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Page 51, line 16, strike "notice of sale" and substitute "COMBINED notice of sale";	63
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line 23, strike "notice of sale" and substitute "COMBINED notice of sale".	66
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Page 52, line 20, strike "notice of sale" and substitute "COMBINED notice of sale".	68
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Page 54, line 17, strike "a notice" and substitute "a AN AMENDED COMBINED notice CONTAINING THE DATE";

line 18, strike "who was entitled to notice of" and substitute "~~who was entitled to notice of~~";

strike line 19 and substitute the following:

~~"the original foreclosure sale and~~ APPEARING ON THE MOST RECENT MAILING LIST.";

line 23, strike "PUBLISH THE sale" and substitute "~~sale~~ PUBLISH THE AMENDED COMBINED NOTICE, OMITTING THE COPIES OF THE STATUTES UNDER PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION,";

line 25, strike "THE" and substitute "PROVIDING AND PUBLISHING THE AMENDED COMBINED".

Page 57, line 4, strike "NOTICE OF SALE." and substitute "COMBINED NOTICE.";

line 5, strike "notice of sale" and substitute "COMBINED notice ~~of sale~~";

line 11, strike "NOTICE OF SALE," and substitute "COMBINED NOTICE,";

line 22, strike "NOTICE OF THE SALE," and substitute "COMBINED NOTICE,";

line 23, before "NOTICE", insert "COMBINED".

Page 60, line 26, strike "**authorized.**" and substitute "**authorized - repeal.** (1) (a)".

Page 61, line 2, strike "~~public trustee or sheriff~~ OFFICER" and substitute "public trustee or sheriff";

line 3, strike "~~public trustee or~~" and substitute "public trustee or";

strike line 4 and substitute the following:

"sheriff in an electronic format. THE PUBLIC TRUSTEE OR SHERIFF SHALL";

line 6, strike "OFFICER" and substitute "PUBLIC TRUSTEE OR SHERIFF";

line 7, strike "OFFICER" and substitute "PUBLIC TRUSTEE OR SHERIFF";

after line 9, insert the following:

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2007.

(2) (a) CONSISTENT WITH THE PROVISIONS OF THE "UNIFORM ELECTRONIC TRANSACTIONS ACT", ARTICLE 71.3 OF TITLE 24, C.R.S., ANY DOCUMENT OR RECORD RELATED TO A FORECLOSURE MAY BE ACCEPTED BY THE OFFICER IN AN ELECTRONIC FORMAT OR MAY BE MADE AVAILABLE TO THE PUBLIC BY THE OFFICER IN AN ELECTRONIC FORMAT. THE OFFICER SHALL ESTABLISH AND UNIFORMLY APPLY POLICIES DETERMINING WHETHER AND THE EXTENT TO WHICH THE OFFICER SHALL ACCEPT DOCUMENTS OR RECORDS IN ELECTRONIC FORM; EXCEPT THAT THE OFFICER SHALL NOT REQUIRE THE USE OF AN ELECTRONIC FORMAT FOR ANY PURPOSE UNDER THIS ARTICLE.

(b) THIS SUBSECTION (2) SHALL TAKE EFFECT JULY 1, 2007.

**SECTION 19.** 38-38-201, Colorado Revised Statutes, is amended to read:

**38-38-201. Foreclosure of installments without acceleration.**

(1) Any mortgage or deed of trust securing an evidence of debt payable by installments giving the right to declare the whole indebtedness due and payable on default of the payment of any part thereof may, at the election

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of the ~~owner~~ HOLDER of ~~said~~ THE evidence of debt, be foreclosed as to any one or more past due installments of principal or interest as if ~~such~~ THE mortgage or deed of trust separately secured each of ~~such~~ THE past due installments, and, in the event of such election, the ~~public trustee or sheriff~~ OFFICER conducting the foreclosure shall apply the following provisions:

(a) Attorney fees allowed ~~to~~ FOR the ~~foreclosing creditor~~ ATTORNEY FOR THE HOLDER OF THE EVIDENCE OF DEBT shall not exceed ten percent of the amount of principal, interest, and late charges included in the bid prepared in accordance with section 38-38-106.

(b) FEES AND costs ~~and expenses~~ allowable under section ~~38-38-106(2)~~ SECTION 38-38-107 may be included in ~~such~~ THE bid.

(c) The amount for which the property is foreclosed shall include ~~such~~ past due installments and all sums advanced for FEES AND costs ~~and expenses~~ by the ~~owner~~ HOLDER of ~~said~~ THE evidence of debt pursuant to the terms of the mortgage or deed of trust securing ~~said~~ THE debt.

(d) Not more than one ~~of such~~ foreclosure ~~proceedings~~ PROCEEDING may be commenced PURSUANT TO THIS SECTION in a period of twelve months.

(e) The notice of election and demand ~~for sale~~ or complaint filed to commence ~~such~~ THE foreclosure shall contain the following statement: "This is a foreclosure on one or more installments, without acceleration, as authorized by section 38-38-201, Colorado Revised Statutes."

(f) No deficiency bid shall be made by the ~~foreclosing creditor~~ HOLDER OF THE EVIDENCE OF DEBT or accepted by the ~~public trustee or sheriff~~ OFFICER conducting the foreclosure sale. ~~and~~; Upon ~~such~~ THE sale and the expiration of all redemption periods, the maker of the secured ~~evidence of debt~~ INDEBTEDNESS and all parties who may be personally liable thereon shall be released from personal liability on ~~such~~ THE indebtedness, unless the property is redeemed under section 38-38-302. ~~or 38-38-303.~~

(g) ~~Such~~ THE foreclosure shall not affect the continuance of the lien of the mortgage or deed of trust as to any remaining obligation secured by it but not covered by ~~such~~ THE foreclosure, whether ~~such~~ THE remaining obligation is due before or after ~~such~~ THE foreclosure, and the title acquired as a result of the foreclosure shall be subject to the lien securing ~~such~~ THE remaining obligation.

(2) Nothing in this section shall be construed to prevent the ~~owner~~ HOLDER of an evidence of debt secured by any mortgage or deed of trust from exercising any option contained therein to declare the whole ~~of such~~ indebtedness due and payable, nor shall any of the provisions of this section be applicable to a foreclosure ~~wherein~~ IN WHICH the whole ~~of such~~ indebtedness has been declared due and payable."

Renumber succeeding sections accordingly.

Page 75, line 21, strike "notice of" and substitute "COMBINED notice of SALE AND";

line 22, strike "and notice of sale were" and substitute "~~and notice of sale were~~ WAS";

line 23, strike "notice of sale;" and substitute "COMBINED notice; ~~of sale;~~".

Page 80, line 24, strike "**redemption right or**" and substitute "**or agreement to shorten**";

line 25, strike "THE REDEMPTION RIGHT OR" and substitute "OR AGREEMENT TO SHORTEN THE TIME PERIOD TO EXERCISE".

Page 81, after line 2, insert the following:

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"SECTION 33. Part 7 of article 38 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**38-38-704. Providing information to homeowner and public - repeal.** (1) (a) NOTWITHSTANDING ANY PROVISION OF THE DEED OF TRUST OR OTHER LIEN BEING FORECLOSED OR ANY PROVISION OF LAW TO THE CONTRARY, A PUBLIC TRUSTEE MAY, AT HIS OR HER DISCRETION, PROVIDE TO AN OWNER OF THE PROPERTY OR TO ANY PERSON LIABLE ON THE SECURED INDEBTEDNESS OR OTHER LIEN BEING FORECLOSED, OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC, ANY EDUCATIONAL OR OTHER INFORMATION OR MATERIAL CONCERNING FORECLOSURES UNDER THIS ARTICLE, INCLUDING AVAILABLE COMMUNITY RESOURCES AND FORECLOSURE PREVENTION INFORMATION, THAT HAS BEEN APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL, BY AN AGENCY OF THE STATE OF COLORADO OR THE FEDERAL GOVERNMENT, OR BY AN ATTORNEY CURRENTLY LICENSED TO PRACTICE AND IN GOOD STANDING IN THE STATE OF COLORADO AND RETAINED BY A PUBLIC TRUSTEE FOR SUCH PURPOSE. THE PUBLIC TRUSTEE MAY CHARGE THE FEES AND COSTS OF PROVIDING SUCH INFORMATION OR MATERIALS TO THE PROPERTY OWNER OR PERSON LIABLE ON THE DEBT AS FORECLOSURE FEES AND COSTS; EXCEPT THAT THE AMOUNT OF SUCH FEES AND COSTS CHARGED SHALL NOT EXCEED TWENTY-FIVE DOLLARS.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2007.

(2) (a) NOTWITHSTANDING ANY PROVISION OF THE DEED OF TRUST OR OTHER LIEN BEING FORECLOSED OR ANY PROVISION OF LAW TO THE CONTRARY, AN OFFICER MAY, AT HIS OR HER DISCRETION, PROVIDE TO AN OWNER OF THE PROPERTY OR TO ANY PERSON LIABLE ON THE SECURED INDEBTEDNESS OR OTHER LIEN BEING FORECLOSED, OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC, ANY EDUCATIONAL OR OTHER INFORMATION OR MATERIAL CONCERNING FORECLOSURES UNDER THIS ARTICLE, INCLUDING AVAILABLE COMMUNITY RESOURCES AND FORECLOSURE PREVENTION INFORMATION, THAT HAS BEEN APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL, BY AN AGENCY OF THE STATE OF COLORADO OR THE FEDERAL GOVERNMENT, OR BY AN ATTORNEY CURRENTLY LICENSED TO PRACTICE AND IN GOOD STANDING IN THE STATE OF COLORADO AND RETAINED BY A PUBLIC TRUSTEE FOR SUCH PURPOSE. THE OFFICER MAY CHARGE THE FEES AND COSTS OF PROVIDING SUCH INFORMATION OR MATERIALS TO THE PROPERTY OWNER OR PERSON LIABLE ON THE DEBT AS FORECLOSURE FEES AND COSTS; EXCEPT THAT THE AMOUNT OF SUCH FEES AND COSTS CHARGED SHALL NOT EXCEED TWENTY-FIVE DOLLARS.

(b) THIS SUBSECTION (2) SHALL TAKE EFFECT JULY 1, 2007."

Renumber succeeding sections accordingly.

Page 84, line 16, strike "(2) (a), Colorado Revised Statutes, is" and substitute "(1) and (2) (a), Colorado Revised Statutes, are";

line 17, strike "amended" and substitute "amended, and the said 38-38-701 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

strike line 18 and substitute the following:

**"38-38-701. Application - use of term "foreclosure".**

(1) Except as otherwise provided for in subsection (2) of this section, the provisions of this article shall apply:

(a) To proceedings for the foreclosure of deeds of trust through the public trustee commenced on or after ~~October 1, 1990~~ JULY 1, 2007; and

(b) In the case of proceedings and actions for enforcement or foreclosure of any other types of liens upon real property and in the case of sales by virtue of execution and levy, where the particular proceeding

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or action under which the sale is performed is commenced on or after ~~October 1, 1990~~ JULY 1, 2007.

(2) On";

after line 25, insert the following:

"(4) IF A DEED OF TRUST GRANTS A POWER OF SALE TO THE PUBLIC TRUSTEE BUT CONTAINS NO PROVISION ON THE MANNER IN WHICH THE POWER OF SALE IS TO BE EXERCISED, THE DEED OF TRUST SHALL NOT BE VOID OR VOIDABLE, AND THE HOLDER OF THE EVIDENCE OF DEBT MAY FORECLOSE THE DEED OF TRUST IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE ON THE FORECLOSURE OF DEEDS OF TRUST THROUGH THE OFFICE OF THE PUBLIC TRUSTEE OR IN THE MANNER OF A MORTGAGE THROUGH THE COURTS.

**SECTION 39. Repeal.** 38-38-102.5, Colorado Revised Statutes, is repealed."

Renumber succeeding sections accordingly.

Page 84, line 26, strike "38-38-102.5, 38-38-303," and substitute "38-38-303".

Page 85, line 1, strike "This" and substitute "Sections 2, 3, 4, 11, 18, 26, 33, 34, 35, 39, 41, and 42 of this act shall take effect July 1, 2006, and the remainder of this";

strike lines 2 through 11 and substitute the following:

"take effect July 1, 2007, except as otherwise provided in subsection (2) of this section.

(2) (a) Section 4 of this act shall take effect only if House Bill 06-1287, enacted at the Second Regular Session of the Sixty-fifth General Assembly, does not become law.

(b) Section 5 of this act shall take effect only if House Bill 06-1287, enacted at the Second Regular Session of the Sixty-fifth General Assembly, becomes law."

after line 16, insert the following:

**"SECTION 42. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Local Government

After consideration on the merits, the Committee recommends that **SB06-237** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 17, strike "OR EMERGENCY MEDICAL SERVICES." and substitute "EMERGENCY MEDICAL, OR EMERGENCY RESPONSE SERVICES.";

line 23, strike "BY RADIO".

Page 4, line 27, strike "AGENCY" and substitute "REGION".

Finance

After consideration on the merits, the Committee recommends that **HB06-1266** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB06-1394** be referred to the Committee of the Whole with favorable recommendation.

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Finance After consideration on the merits, the Committee recommends that **HB06-1306** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 1  
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 Amend reengrossed bill, page 2, line 10, strike "COLORADO" and 5  
 substitute "COLORADO, OR ANY OTHER STATE, DISTRICT, TERRITORY, 6  
 POSSESSION, COMMONWEALTH, OR OTHER INSULAR AREA OF THE UNITED 7  
 STATES,". 8  
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Education After consideration on the merits, the Committee recommends that **HB06-1001** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 10  
 11  
 Amend reengrossed bill, page 3, line 19, after "C.R.S.," insert "AND 12  
 OTHER ALTERNATIVE FORMS OF PRINCIPAL PREPARATION,". 13  
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Education After consideration on the merits, the Committee recommends that **HB06-1004** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 16  
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 Amend reengrossed bill, page 3, line 25, strike "SHALL" and substitute 18  
 "MAY" and, strike "AT A MINIMUM,". 19  
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 Page 4, line 15, strike "FIVE" and substitute "THREE". 22  
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 Page 8, line 8, strike "SIXTY" and substitute "ONE HUNDRED". 24  
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 Page 10, line 16, strike "2011." and substitute "2009.". 26  
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Education After consideration on the merits, the Committee recommends that **HB06-1270** be referred to the Committee on Appropriations with favorable recommendation. 28  
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Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB06-236** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 32  
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 Amend printed bill, page 2, line 25, strike "PROSPECTING" and substitute 37  
 "EXPLORATION". 38  
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Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1389** be postponed indefinitely. 40  
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**MESSAGE FROM THE HOUSE**

April 27, 2006 45  
 Madame President: 46  
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 The House has passed on Third Reading and transmitted to the Revisor of Statutes 52  
 HB06-1178, amended as printed in House Journal, April 27, pages 1442-1443. 53  
 HB06-1395, amended as printed in House Journal, April 27, pages 1464-1465. 54  
 HB06-1388, amended as printed in House Journal, April 27, page 1465. 55  
 HB06-1003, amended as printed in House Journal, April 27, pages 1461-1465. 56  
 HB06-1397, amended as printed in House Journal, April 27, page 1465. 57  
 HB06-1315, amended as printed in House Journal, April 27, pages 1365-1467. 58  
 59  
 The House has passed on Third Reading and transmitted to the Revisor of Statutes; 60  
 SB06-037, amended as printed in House Journal, April 26, pages 1441-1442. 61  
 SB06-008, amended as printed in House Journal, April 26, page 1443. 62  
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April 27, 2006

Madame President:

In response to the request of the Senate for the recall of HB06-1281, the bill is transmitted herewith.

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### MESSAGE FROM THE REVISOR OF STATUTES

April 27, 2006

We herewith transmit:

Without comment, as amended, HB06-1178, 1315, 1388, and 1395.

Without comment, as amended, SB06-008 and 037.

With comment, as amended, HB06-1003 and 1397.

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### INTRODUCTION OF BILLS -- FIRST READING

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

- HB06-1003** by Representative(s) Pommer, Borodkin, Green, Hefley, Larson, McFadyen; also Senator(s) Williams, Isgar, Wiens--Concerning private toll roads and toll highways, and, in connection therewith, specifying requirements that must be met before a corporation can construct a private toll road or toll highway.  
Transportation
- HB06-1178** by Representative(s) Butcher, Borodkin, Carroll M., Paccione; also Senator(s) Williams--Concerning the motorist insurance identification database program used to identify persons who own motor vehicles that are not insured, and, in connection therewith, making an appropriation.  
Transportation
- HB06-1315** by Representative(s) Hefley; also Senator(s) Gordon--Concerning juveniles who are convicted as adults of class 1 felonies, and making an appropriation in connection therewith.  
Judiciary
- HB06-1388** by Representative(s) Buescher; also Senator(s) Sandoval--Concerning the ability of the executive director of the department of revenue to address alleged violations relating to motor vehicle dealers.  
Business, Labor and Technology
- HB06-1395** by Representative(s) Buescher, Hall, Plant; also Senator(s) Keller, Owen, Tapia--Concerning residential child health care, and making an appropriation in connection therefor.  
State, Veterans & Military Affairs
- HB06-1397** by Representative(s) Solano, Merrifield, Hefley, Larson, Massey, Benefield, Todd; also Senator(s) Shaffer, Williams, Boyd, Windels, Bacon--Concerning the creation of a statewide system of early childhood councils, and making an appropriation therefor.  
State, Veterans & Military Affairs

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### RECONSIDERATION OF HB06-1281

- HB06-1281** by Representative(s) Pommer; also Senator(s) Gordon--Concerning the establishment of a program to demonstrate the use of breakthrough advanced coal technology to promote low-emitting coal-fueled electricity generation, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Gordon moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB06-1281. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	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:

**HB06-1281** by Representative(s) Pommer; also Senator(s) Gordon--Concerning the establishment of a program to demonstrate the use of breakthrough advanced coal technology to promote low-emitting coal-fueled electricity generation, and, in connection therewith, making an appropriation.

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

Third Reading Amendment No. 1(L.020), by Senator Gordon.

Amend rerevised bill, page 11, strike lines 26 and 27.

Page 12, strike lines 1 through 6.

Renumber succeeding section accordingly.

Page 1, strike lines 104 and 105 and substitute the following:

**"GENERATION."**

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

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	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.	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**.

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB06-1314, SB06-233, SB06-235 were made Special Orders at 4:40 p.m.

Committee The hour of 4:40 p.m. having arrived, Senator Veiga moved that the Senate resolve

of the Whole	itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Veiga was called to the Chair to act as Chairman.	1 2 3 4 5 6 7 8 9
	<b>SPECIAL ORDERS -- SECOND READING OF BILLS</b>	10 11 12 13 14 15 16 17 18 19 20 21
	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:	22 23 24
<b>HB06-1314</b>	by Representative(s) Cerbo; also Senator(s) Tochtrop--Concerning a prohibition against certain employer communications to an employee.	25 26 27 28
	<u>Amendment No. 1(L.008), by Senator Hagedorn.</u>	29 30
	Amend reengrossed bill, page 4, after line 8, insert the following:	31 32 33 34 35 36 37 38
	"(7) THIS SECTION SHALL NOT APPLY TO A NONPROFIT ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED."	39 40 41 42 43 44 45 46
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	47 48 49 50 51 52
<b>SB06-233</b>	by Senator(s) Taylor, Isgar, Spence, Takis; also Representative(s) Coleman, Schultheis, Vigil, White--Concerning clarification of the existing authority of the state auditor to access confidential documents.	53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	68 69
<b>SB06-235</b>	by Senator(s) Sandoval; also Representative(s) Marshall, Buescher--Concerning public employees' retirement benefit plans.	70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
	<u>Amendment No. 1(L.007), by Senator Sandoval.</u>	
	Amend printed bill, page 31, strike lines 14 through 21.	
	<u>Amendment No. 2(L.005), by Senator Sandoval.</u>	
	Amend printed bill, page 13, line 25, strike "JULY 1, 2007," and substitute "JANUARY 1, 2008,".	
	Page 14, line 26, strike "FISCAL YEAR BEGINNING JULY 1, 2007," and substitute "CALENDAR YEAR BEGINNING JANUARY 1, 2008,".	
	Page 15, line 3, strike "JULY 1" and substitute "JANUARY 1";	
	line 4, strike "2007 THROUGH 2012." and substitute "2008 THROUGH 2013.".	
	<u>Amendment No. 3(L.006), by Senator Sandoval.</u>	
	Amend printed bill, page 24, strike lines 1 through 4 and substitute the following:	
	"(b) THE RETIREE RETIRED WITH A SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-602, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE AND SERVICE CREDIT YEARS THAT WHEN COMBINED TOTAL AT LEAST EIGHTY-FIVE YEARS, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF SIXTY. NO MINIMUM AGE OR SERVICE CREDIT REQUIREMENT SHALL APPLY TO DISABILITY RETIREES OR SURVIVOR BENEFIT RECIPIENTS."	
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	

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

On motion of Senator Veiga, 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: HB06-1314 as amended, SB06-233, SB06-235 as amended.

**COMMITTEE OF REFERENCE REPORTS**

Health & Human Services

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

**MEMBERS OF THE  
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.

Health & Human Services

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

**MEMBERS OF THE  
AIR QUALITY CONTROL COMMISSION**

for terms expiring January 31, 2009:

Garrett M. Clemons of Denver, Colorado, to serve as a member with scientific experience and as a Republican, appointed.

James B. Martin of Longmont, Colorado, to serve as a member with legal experience and as a Democrat, reappointed;

Thorvald A. Nelson of Aurora, Colorado, to fill the vacancy occasioned by the resignation of Paul R. Tourangeau of Denver, Colorado, and to serve as a member with technical experience and as a Democrat, appointed.

Health & Human Services

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

**MEMBERS OF THE  
COLORADO CHILDREN'S TRUST FUND BOARD**

for terms expiring November 7, 2008:

Jane Morrison of Denver, Colorado, to serve as a member with knowledge of child abuse prevention, appointed.

Thomas H. McMillen of Golden, Colorado, to serve as a member with knowledge of child abuse prevention and law, reappointed;

Carrie H. Nolan of Denver, Colorado, to serve as a parent representative, reappointed;

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Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **HB06-1346** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated April 12, 2006, page 1, line 3, strike "10-16-104.3 (1)," and substitute "10-16-104.3,";

line 18, strike "line 15" and substitute "lines 15 through 19";

strike line 19 and substitute the following:

""SECTION 10-16-102.

(2) The additional premium, if applicable, for a rider or supplemental policy provision offered pursuant to subsection (1) of this section AND ANY ADMINISTRATIVE OR OTHER COSTS ASSOCIATED WITH THE RIDER OR SUPPLEMENTAL POLICY, shall be paid by the parent or the policyholder, at the discretion of the policyholder. A CARRIER SHALL NOT FACTOR IN ANY COSTS ASSOCIATED WITH THE RIDER OR SUPPLEMENTAL POLICY INTO THE PREMIUM COSTS FOR COVERED PERSONS OTHER THAN THE INDIVIDUAL PERSON WHO PURCHASES THE ADDITIONAL DEPENDENT COVERAGE OFFERED PURSUANT TO THIS SECTION."."

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **HB06-1170** be postponed indefinitely.

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **HB06-1392** be referred to the Committee of the Whole with favorable recommendation.

**SENATE SERVICES REPORT**

- Correctly Printed:** SB06-235 and 236.
- Correctly Engrossed:** SJR06-047.
- Correctly Reengrossed:** SB06-001.
- Correctly Revised:** HB06-1090.
- Correctly Rerevised:** HB06-1281.

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

The President has signed: SB06-068, 120, 144, and 187.  
The President has signed: HB06-1019, 1075, 1193, 1275, 1297, 1325, 1338.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Tuesday, April 25, 2006, at 4:30 p.m.:  
SB06-002 and 090.

**INTRODUCTION OF BILLS -- FIRST READING**

The following bill was read by title and referred to the committee indicated:

**SB06-238**

by Senator(s) Tochtrop; --Concerning the circumstances under which private property may be acquired by public entities through exercise of the power of eminent domain in furtherance of a public use, and, in connection therewith, prohibiting private property from being taken by the state or any political subdivision unless the condemning entity establishes that the taking is for a public use, excluding takings for economic development or tax

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revenue enhancement from the meaning of public use, and requiring that a condemnation action satisfy a higher degree of proof when the taking is for the eradication of blight.  
Judiciary

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 27 was laid over until Friday, April 28, retaining its place on the calendar.

Consideration of Resolutions: SJR06-019, SJR06-022, SJR06-029, HJR06-1016, SR06-010, SJR06-033, SJR06-036, SJR06-038, SJR06-039, SJR06-040, SJR06-041, SJR06-042, SJR06-043, SJR06-044, SJR06-045, SJR06-049, SR06-012, HJR06-1023.  
Consideration of Memorials: SJM06-001, HJM06-1002, SJM06-004.  
Consideration of House Amendments to Senate Bills: SB06-014, SB06-041, SB06-204, SB06-209, SB06-066, SB06-080, SB06-047.  
Consideration of House Adherence: HB06-1159.  
Consideration of Governor's Appointments:  
Members of the Read-To-Achieve Board.  
Members of the Financial Services Board.  
Members of the Colorado Banking Board.  
Member of the Board of Trustees for Western State College of Colorado.  
Executive Director of the Colorado Commission on Higher Education.  
Member of the Colorado State Fair Authority Board of Commissioners.  
Member of the CoverColorado Board of Directors.  
Members of the Examining Board of Plumbers.  
Members of the Colorado Tourism Office Board of Directors.  
Members of the Colorado Limited Gaming Control Commission.  
Consideration of Conference Committee Reports: HB06-1288, HB06-1209.  
Conference Committees to Report: HB06-1121, HB06-1169, SB06-051.

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

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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