

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

63rd Legislative Day

Tuesday, March 14, 2006

Prayer By Senator Fitz-Gerald.

Pledge By Senator McElhany.

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

Roll Call Present--34.
Excused--1; Lamborn.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tapia, reading of the Journal of March 13, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 13, 2006
Madame President:

The House has voted not to concur in the Senate amendments to HB06-1175 and requests that a conference committee be appointed. The Speaker has appointed Representatives May, chairman, Pommer, and Boyd as House conferees on the First Conference Committee on HB06-1175. The bill is transmitted herewith.

March 13, 2006
Madame President:

The House has voted to concur in the Senate amendments to HB06-1023,1005 1007,1032,1179, and has repassed the bills as so amended.

March 13, 2006
Madame President:

The Speaker announced Representative Buescher has replaced Representative Penry as prime sponsor on SB06-152.

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 -- SR06-005.

CONSIDERATION OF RESOLUTIONS

SR06-005 by Senator(s) May R.; --Concerning the designation of March 14, 2006, as "Colorado Space Day".

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

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

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

INTRODUCTION OF RESOLUTIONS

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

SJR06-013 by Senator(s) Hanna; also Representative(s) Kerr--Concerning the promotion of suicide education programs in higher education.

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

SJR06-014 by Senator(s) Evans; --Concerning a joint committee on ethics.
Judiciary

HJR06-1013 by Representative(s) Kerr, Carroll M., Frangas, Gallegos, Knoedler, Liston, Massey, Solano, Stafford; also Senator(s) Williams, Evans, Shaffer, Teck--Concerning consumer disclosure of the terms and conditions to borrow money.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB06-209 by Senator(s) Windels; --Concerning creation of a task force to study Colorado's system of higher education financing.
Education

SB06-210 by Senator(s) Tapia; --Concerning providers of medical services to persons in custody.
Health and Human Services

SB06-211 by Senator(s) Grossman; --Concerning the determination of dual resident trust taxation.
Business, Labor and Technology

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

HB06-1132 by Representative(s) Hoppe; also Senator(s) Isgar--Concerning the disposition of animals impounded under animal cruelty laws, and, in connection therewith, authorizing the sale of such animals with the proceeds applied to the cost of care of such impounded animals, authorizing court hearings on the reasonableness of costs associated with bonds to prevent the disposition of an impounded animal, authorizing the recovery of such costs through restitution in criminal cases, and making an appropriation.
Agriculture, Natural Resources & Energy

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

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- HB06-1247** by Representative(s) Cerbo; also Senator(s) Grossman--Concerning the adoption of changes to the "Uniform Commercial Code" proposed by the national conference of commissioners on uniform state laws, and, in connection therewith, repealing and reenacting articles 1 and 7 of the "Uniform Commercial Code".
Business, Labor and Technology
- 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.
State, Veterans & Military Affairs
- HB06-1335** by Representative(s) Jahn; also Senator(s) Isgar--Concerning the amount of public moneys used on a construction contract that triggers the requirement that a special district publish notice about the contract.
Business, Labor and Technology
- HB06-1338** by Representative(s) Plant; also Senator(s) Fitz-Gerald--Concerning the inclusion of contiguous counties in the regional transportation district.
Local Government
- HB06-1353** by Representative(s) Carroll T.; also Senator(s) Grossman--Concerning the development of standards for the performance of competency evaluations in criminal cases.
Judiciary
- SB06-212** by Senator(s) Hagedorn; also Representative(s) McGihon, Boyd--Concerning the authority of an unsupervised dental hygienist to arrange for the provision of dental services, and, in connection therewith, allowing the proprietor of a dental hygiene clinic to employ or contract with a licensed dentist.
Health and Human Services
- 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.
State, Veterans & Military Affairs

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Grossman, Chairman, Evans, and Groff as Senate Conferees on the First Conference Committee on **HB06-1175**.

**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:

- HB06-1250** by Representative(s) Lindstrom, Buescher, Curry, Garcia, Larson, Liston, Penry, Plant, White; also Senator(s) Entz, Evans, Fitz-Gerald, Groff, Grossman, Isgar, Taylor, Teck--Concerning an increase in fines under the "Ski Safety Act of 1979" for skiers who violate existing skier duties.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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: McElhany and Williams.

HB06-1093 by Representative(s) White; also Senator(s) Taylor--Concerning Colorado northwestern community college.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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**.

HB06-1020 by Representative(s) Rose; also Senator(s) Entz--Concerning the issuance of special license plates for motor vehicles valued by collectors due to their early date of manufacture.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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**.

HB06-1061 by Representative(s) Coleman, Schultheis, Vigil, White; also Senator(s) Takis, Hanna, Taylor--Concerning complaints by state employees alleging retaliation for disclosure of information.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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**.

HB06-1025 by Representative(s) Carroll M.; also Senator(s) Hagedorn--Concerning concurrent legislative jurisdiction over the real property constituting the Buckley Air Force base.

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

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YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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**.

HB06-1242 by Representative(s) Benefield, Crane, Hodge, Lindstrom, Massey, Merrifield, Soper, Todd; also Senator(s) Windels--Concerning the one dollar surcharge collected on documents received by a county clerk and recorder.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Entz and Kester.

HB06-1254 by Representative(s) Cerbo; also Senator(s) Veiga--Concerning co-ownership of real property.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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:

HB06-1087 by Representative(s) Larson, Rose; also Senator(s) Isgar--Concerning the classification of Montezuma county for purposes of fixing the salaries of county officers.

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

Third Reading Amendment No. 1(L.001), by Senator Isgar.

Amend rerevised bill, page 2, strike lines 12 through 21 and substitute the

following:

"SECTION 2. Effective date. (1) This act shall take effect August 10, 2006; except that this act shall not take effect if House Bill 06-1295 is enacted at the Second Regular Session of the Sixty-fifth General Assembly and becomes law.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

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	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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**.

HB06-1112 by Representative(s) Marshall; also Senator(s) Veiga--Concerning changes to conform Colorado juvenile law to federal law.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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: Groff and Williams.

SB06-176 by Senator(s) Spence; also Representative(s) Massey--Concerning requirements for educators.

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

Third Reading Amendment No. 1(L.007), by Senator Windels.

Amend engrossed bill, page 9, strike lines 24 through 27.

Page 10, strike lines 1 through 7.

Renumber succeeding sections accordingly.

The amendment was declared **adopted** on the following roll call vote:

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	N	Sandoval	Y	Tupa	Y
Entz	Y	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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, Evans, Williams and Windels.

HB06-1074 by Representative(s) Solano, Madden; also Senator(s) Johnson--Concerning the waste tire recycling development fee.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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, Hanna, Kester, Shaffer, Tochtrop, Tupa, Veiga and Williams.

HB06-1321 by Representative(s) Jahn, Marshall; also Senator(s) Sandoval--Concerning a shortened period for completion of sunrise review reports by the department of regulatory agencies.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	N	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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: Fitz-Gerald and Veiga.

HB06-1156 by Representative(s) Welker; also Senator(s) Brophy--Concerning increased consumer rights regarding the use of social security numbers.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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: Dyer, Entz, Evans, Isgar, Johnson, Keller, Mitchell, Spence, Taylor, Teck, Tochtrop, Traylor, Tupa, Wiens, Williams and Windels.

HB06-1106 by Representative(s) Paccione; also Senator(s) Kester--Concerning a prohibition against a coverage exclusion in a sickness and accident insurance policy for injuries sustained while under the influence of a controlled substance.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	E	Tapia	Y	Windels	Y
Grossman	Y	May R.	E	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: Groff.

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB06-1340 by Representative(s) Benefield, Marshall, Borodkin; also Senator(s) Taylor--Concerning an exemption for federally regulated mining operations from the Colorado "Explosives Act".

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

HB06-1098 by Representative(s) Cloer; also Senator(s) Keller--Concerning the inclusion of mental health in-service programs in professional development options for public school educators, and, in connection therewith, allowing public school educators to receive credit for suicide prevention education programs.

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

HB06-1118 by Representative(s) Larson; also Senator(s) Isgar--Concerning actions taken against a person licensed to operate a commercial motor vehicle that deny the person the privilege of operating such motor vehicle.

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

HB06-1210 by Representative(s) Witwer; also Senator(s) Tochtrop--Concerning the addition of a new member to the Colorado recreational trails committee who represents the state board of the great outdoors Colorado trust fund.

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

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.

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

HB06-1207 by Representative(s) Coleman, Boyd, Stafford; also Senator(s) Sandoval--Concerning the definition of a salaried foster parent, and, in connection therewith, allowing a salaried foster parent to be an employee of a child placement agency.

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

HB06-1328 by Representative(s) Boyd; also Senator(s) Hagedorn--Concerning a requirement that the joint budget committee and the health and human services committees of the general assembly meet jointly to review the use of tobacco litigation settlement moneys on or before a specified date.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Windels, 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: HB06-1340, HB06-1098, HB06-1118, HB06-1210, HB06-1191, HB06-1207, HB06-1328.

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

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB06-052 by Senator(s) Grossman; also Representative(s) White--Concerning exemption from the statutory limitation on the total sales and use tax that may be imposed for a county tax to fund open space and park land.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 3, pages 394-395 and placed in members' bill files.)

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

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HB06-1103 by Representative(s) Green, Benefield, Carroll M., Coleman, Frangas, Lindstrom, McGihon, Merrifield, Todd; also Senator(s) Hanna--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.

Amendment No. 1(L.010), by Senator Hanna.

Amend reengrossed bill, page 2, strike line 19 and substitute the following:

"THAN TWELVE-POINT BOLD-FACED TYPE. THE PROVISIONS SHALL READ AS FOLLOWS:

"THIS LEASE AGREEMENT IS FOR A MONTH-TO-MONTH TENANCY. THE LESSOR SHALL NOT REQUIRE THE FORFEITURE OF RENT BEYOND A THIRTY-DAY PERIOD IF THE LESSEE MOVES DUE TO A MEDICAL CONDITION OR DIES DURING THE TERM OF THE LEASE."

IN CIRCUMSTANCES IN WHICH".

Page 4, strike line 19 and substitute the following:

"BOLD-FACED TYPE. THE PROVISIONS SHALL READ AS FOLLOWS:

"THIS LEASE AGREEMENT IS FOR A MONTH-TO-MONTH TENANCY. THE LESSOR SHALL NOT REQUIRE THE FORFEITURE OF RENT BEYOND A THIRTY-DAY PERIOD IF THE LESSEE MOVES DUE TO A MEDICAL CONDITION OR DIES DURING THE TERM OF THE LEASE."

IN CIRCUMSTANCES IN WHICH THE RESIDENT MOVES".

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, HB06-1198 was advanced to the General Orders -- Second Reading of Bills calendar.

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.

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

HB06-1159 by Representative(s) Paccione; also Senator(s) Johnson--Concerning the annexation of enclave areas.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 8, page 427 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Johnson.

Amend reengrossed bill, page 3, line 16, strike "AND".

line 22, strike "ANNEXATION." and substitute "ANNEXATION; AND

(III) CONDUCT NOT LESS THAN TWO MEETINGS, THE FIRST OF WHICH SHALL BE HELD WITHIN SIXTY DAYS OF THE DATE OF THE NOTICE OF THE CREATION AND EXISTENCE OF THE COMMITTEE REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1.1). AT LEAST ONE OF THE MEETINGS REQUIRED BY THIS PARAGRAPH (c) SHALL BE A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING CITIZEN COMMENTS. ALL MEETINGS OF THE COMMITTEE SHALL BE OPEN TO THE PUBLIC."

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Amendment No. 3(L.003), by Senators Johnson and Tochtrop.

Amend reengrossed bill, page 2, line 21, after "UNLESS", insert "THE QUESTION OF ANNEXATION HAS BEEN SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS WITHIN THE ENCLAVE AND THE MAJORITY OF THE ELECTORS VOTING ON THE QUESTION HAVE VOTED FOR THE ANNEXATION IN AN ELECTION HELD IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 31-12-112, AS APPLICABLE, AND".

Amendment No. 4(L.006), by Senator Evans.

Amend reengrossed bill, page 2, line 4, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 3, after line 22, insert the following:

"(1.3) NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SECTION, IF MORE THAN FIFTY PERCENT OF THE LANDOWNERS OF THE ENCLAVE HAVE PETITIONED THE GOVERNING BODY OF THE MUNICIPALITY FOR ANNEXATION PURSUANT TO THE REQUIREMENTS OF SECTION 31-12-107, AS APPLICABLE, THE MUNICIPALITY SHALL ANNEX THE ENCLAVE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.".

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB06-1095, SB06-002, HB06-1141, HB06-1084, HB06-1080, HB06-1204, HB06-1195, SCR06-003, HB06-1239, SB06-194, SB06-188, SB06-064, SB06-109, SB06-172, SB06-058, SB06-120, HB06-1318, SB06-035, SB06-196, HB06-1320, HB06-1287, SB06-205, SB06-203, SB06-192, SB06-063, SB06-152, HB06-1174 as amended) of March 14, was laid over until Wednesday, March 15, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Windels, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06-052 as amended, HB06-1103 as amended, HB06-1198, HB06-1159 as amended.

Laid over until Wednesday, March 15: HB06-1095, SB06-002, HB06-1141, HB06-1084, HB06-1080, HB06-1204, HB06-1195, SCR06-003, HB06-1239, SB06-194, SB06-188, SB06-064, SB06-109, SB06-172, SB06-058, SB06-120, HB06-1318, SB06-035, SB06-196, HB06-1320, HB06-1287, SB06-205, SB06-203, SB06-192, SB06-063, SB06-152, HB06-1174 as amended.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB06-1010** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB06-1199** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB06-1154** be referred to the Committee on Appropriations with favorable recommendation.

Business,
Labor, &
Technology

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

**MEMBERS OF THE
BOARD OF REAL ESTATE APPRAISERS**

for terms expiring July 1, 2008:

Joseph B. O’Dorisio of Arvada, Colorado, to serve as an officer or employee of a commercial bank experienced in real estate lending, reappointed;

Thomas L. Fellows of Colorado Springs, Colorado, to serve as a licensed or certified appraiser, appointed;

Karen L. Tool of Fort Collins, Colorado, to serve as a licensed or certified appraiser, appointed;

Keren L. Prior of Pagosa Springs, Colorado, to serve as a county assessor in office, reappointed.

Business,
Labor, &
Technology

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

**MEMBERS OF THE
SECURITIES BOARD**

for terms expiring July 1, 2008:

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

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

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1041** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-195** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1137** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 16, after line 16, insert the following:

"SECTION 12. 15-11-1105 (1) (a), Colorado Revised Statutes, is amended to read:

15-11-1105. Exclusions from statutory rule against perpetuities. (1) ~~Section~~ THE STATUTORY RULE AGAINST PERPETUITIES, AS SET FORTH IN SECTIONS 15-11-1102 AND 15-11-1102.5, does not apply to INVALIDATE:

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(a) A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of:

(I) A premarital or postmarital agreement;

(II) A separation or divorce settlement;

(III) A spouse's election;

(IV) A similar arrangement arising out of a prospective, existing, or previous marital relationship between the parties;

(V) A contract to make or not to revoke a will or trust;

(VI) A contract to exercise or not to exercise a power of appointment; OR

(VII) A transfer in satisfaction of a duty of support. or

(VIII) ~~A reciprocal transfer.~~

SECTION 13. 15-11-1106 (1), Colorado Revised Statutes, is amended to read:

15-11-1106. Prospective application. (1) Except as extended by subsection (2) of this section, this part 11 applies to a nonvested property interest or a power of appointment that is created on or after May 31, 1991. For purposes of this section AND SECTION 15-11-1107, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

SECTION 14. 15-11-1107 (2), Colorado Revised Statutes, is amended to read:

15-11-1107. Uniformity of application and construction. (2) This part 11 supersedes AND ABOLISHES the rule of the common law known as the rule against perpetuities FOR NONVESTED INTERESTS CREATED AFTER MAY 31, 1991."

Renumber succeeding sections accordingly.

Page 31, after line 5, insert the following:

"SECTION 19. 15-15-101 (6), Colorado Revised Statutes, is amended to read:

15-15-101. Nonprobate transfers on death. (6) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 15-11-202 AND 15-15-103, the express provisions of the trust agreement, declaration of trust, or testamentary trust shall control and regulate the extent to which the benefits or rights payable or transferable under such a designation shall be subject to the debts of the designator if paid or transferred under the provisions of subsection (2) of this section."

Renumber succeeding sections accordingly.

Page 35, strike lines 19 through 23 and substitute the following:

"appointment to fail to qualify for validity under section 15-11-1102 (1) (a), (2) (a), or (3) (a) OR SECTION 15-11-1102.5 (1) (b) (I), (1) (b) (II), (1) (b) (III), (2) (b) (I) (A), (2) (b) (II) (A), OR (2) (b) (III) (A), or to become invalid under section 15-11-1102 (1) (b), (2) (b), or (3) (b) OR SECTION 15-11-1102.5 (1) (b) (I), (1) (b) (II), OR (1) (b) (III); but survival shall be established by clear and";

after line 24, insert the following:

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"SECTION 29. 15-14-115, Colorado Revised Statutes, is amended to read:

15-14-115. Guardian ad litem. (1) At any stage of a proceeding, a court may appoint a guardian ad litem if the court determines that representation of the interest otherwise would be inadequate. If not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several individuals or interests. The court shall state on the record the duties of the guardian ad litem and its reasons for the appointment.

(2) A GUARDIAN AD LITEM WHO IS APPOINTED PURSUANT TO THIS SECTION IS NOT REQUIRED TO BE AN ATTORNEY. THE COURT MAY GIVE A NONATTORNEY SERVING AS GUARDIAN AD LITEM THE TITLE "LAY GUARDIAN AD LITEM" OR A SIMILAR TITLE TO DISTINGUISH A GUARDIAN AD LITEM SO SERVING FROM A GUARDIAN AD LITEM WHO IS AN ATTORNEY. NO INFERENCE SHALL BE DRAWN FROM THE ENACTMENT OF THIS SUBSECTION THAT AN INDIVIDUAL OTHER THAN AN ATTORNEY MAY NOT BE APPOINTED AS A GUARDIAN AD LITEM OR THAT A GUARDIAN AD LITEM MAY NOT BE GIVEN SOME OTHER DESIGNATION IN SUCH CAPACITY UNDER STATUTES OTHER THAN THIS SECTION NOR BEFORE ENACTMENT UNDER THIS CODE.

SECTION 30. Repeal. 15-15-409, Colorado Revised Statutes, is repealed."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1119** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 11 through 13 and substitute the following:

"COMMERCIAL ENTITY.";

line 14, strike "AFFECTED.".

Page 3, line 5, after "IF", insert "A PRIMARY MEANS OF COMMUNICATION BY THE INDIVIDUAL OR COMMERCIAL ENTITY WITH A COLORADO RESIDENT IS BY ELECTRONIC MEANS OR";

line 26, strike "EITHER THE NAME OR".

Page 4, strike lines 18 through 22 and substitute the following:

"INFORMATION HAS BEEN OR WILL BE MISUSED. THE INDIVIDUAL OR THE COMMERCIAL ENTITY SHALL GIVE NOTICE AS SOON AS POSSIBLE TO THE AFFECTED COLORADO RESIDENT UNLESS THE INVESTIGATION DETERMINES THAT THE MISUSE OF INFORMATION ABOUT A COLORADO RESIDENT HAS NOT OCCURRED AND IS NOT REASONABLY LIKELY TO OCCUR. NOTICE SHALL BE MADE IN THE MOST"

Page 5, line 11, strike the first "OR".

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1122** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 14, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB06-1354.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB06-1346, amended as printed in House Journal, March 13, page 719.
HB06-1357, amended as printed in House Journal, March 13, page 719.
HB06-1018, amended as printed in House Journal, March 13, page 720.
HB06-1046, amended as printed in House Journal, March 13, page 720.
HB06-1274, amended as printed in House Journal, March 13, page 720.
HB06-1313, amended as printed in House Journal, March 13, page 721.
HB06-1339, amended as printed in House Journal, March 13, page 721.

The House has passed on Third Reading and returns herewith SB06-079, 078.

MESSAGE FROM THE REVISOR OF STATUTES

March 14, 2006

We herewith transmit:

Without comment, HB06-1354.

Without comment, as amended, HB06-1018, 1046, 1274, 1313, 1339, 1346, and 1357.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1055, 1140, HJR06-1018.

TRIBUTES

Honoring:

- Ronnie Gonzales -- by Senator Tapia.
- Lockheed Martin -- by Senator May.
- Ball Aerospace and Technologies -- by Senator May.
- General Lance W. Lord -- by Senator May.

On motion of Senator Gordon, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of March 14 was laid over until
Wednesday, March 15, retaining its place on the calendar.

Consideration of Memorials: SJM06-001.

Consideration of House Amendments to Senate Bills: SB06-062, SB06-057, SB06-118,
SB06-097.

Consideration of Governor's Appointments:

- Member of the Oil and Gas Conservation Commission of the State of Colorado.
- Members of the Colorado Board of Veterans Affairs.
- Members of the State Agricultural Commission.
- Members of the Colorado Health Facilities Authority Board of Directors.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, March 15, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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