

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

27th Legislative Day Monday, February 6, 2006

Prayer By the chaplain, Father Louis Christopulos, St. Catherine Greek Orthodox Church, Greenwood Village.

Pledge By Senator Isgar.

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

Roll Call Present--34.
 Absent--1; Tupa.
 Present later--Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Spence, reading of the Journal of February 3, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

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 -- SJR06-007.

CONSIDERATION OF RESOLUTIONS

SJR06-007 by Senator(s) Lamborn, Gordon, Brophy, Dyer, Evans, Jones, May R., Mitchell, Spence, Wiens; also Representative(s) Hefley, Berens, Cadman, Clapp, Cloer, Harvey, Kerr, King, Knoedler, Liston, Massey, Rose, Stafford--Concerning the recognition of February 6, 2006, as "Ronald Reagan Day" in Colorado.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

Co-sponsors added: Entz, Hagedorn, Isgar, Johnson, Kester, McElhany, Owen, Sandoval, Shaffer, Tapia, Taylor, Teck, Traylor and Williams.

**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:

SB06-053 by Senator(s) Takis; also Representative(s) Lindstrom--Concerning an expansion in the residential lot size for which county governments are authorized to provide for the removal of overgrown vegetation.

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

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

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

SB06-095 by Senator(s) Taylor; also Representative(s) Hodge--Concerning limitations on the transfer of property rights as a means of qualifying electors in special district elections.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

SB06-084 by Senator(s) Entz; also Representative(s) Curry--Concerning the hiring of a guide who does not possess a first aid card in the event of an emergency situation.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Evans, Fitz-Gerald, Hanna, Isgar, Tochtrop and Williams.

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:

SB06-041 by Senator(s) Veiga; also Representative(s) Coleman, Cadman, Carroll M.--Concerning the application of the health insurance prompt pay provisions to claims made as a result of a motor vehicle accident.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

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

SB06-056 by Senator(s) Bacon, McElhany, Windels; also Representative(s) McFadyen, Berens, Riesberg--Concerning authority over proposals for construction of capital improvements.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	N
Brophy	Y	Isgar	Y	Owen	N	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	N	Tupa	Y
Entz	N	Jones	Y	Shaffer	Y	Veiga	Y
Evans	N	Keller	N	Spence	Y	Wiens	Y
Gordon	Y	Kester	N	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	N	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	N	McElhany	Y	Teck	Y		

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

SB06-005 by Senator(s) Windels, Kester, Takis; also Representative(s) Solano, Jahn--Concerning mental health services coverage under health benefit plans.

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

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

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

Co-sponsors added: Evans, Fitz-Gerald, Groff, Hanna, Isgar, Keller, Sandoval, Shaffer, Tochtrop, Veiga and Williams.

SB06-032

by Senator(s) Jones; also Representative(s) Balmer--Concerning in-state tuition for dependents of members of the military.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Bacon, Brophy, Dyer, Entz, Evans, Gordon, Hagedorn, Hanna, Isgar, Johnson, Keller, Kester, Lamborn, May R., McElhany, Mitchell, Owen, Sandoval, Shaffer, Spence, Tapia, Taylor, Teck, Tochtrop, Traylor, Wiens, Williams and Windels.

SB06-070

by Senator(s) Shaffer; also Representative(s) Plant--Concerning moneys paid by a lessee of personal property for the payment of personal property tax.

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	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	N	Keller	Y	Spence	Y	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	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: Teck, Tupa and Williams.

SB06-113

by Senator(s) Shaffer, Gordon; also Representative(s) Massey, Borodkin, Crane, Penry--Concerning a prohibition on discrimination by a life insurance company based on an insured's foreign travel.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	N	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	N	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	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: Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Lamborn, Takis, Tochtrop, Tupa and Windels.

SB06-062 by Senator(s) Taylor; also Representative(s) McKinley--Concerning electronic voting by certain electors who are absent from the state on election day.

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

YES	35	NO	0	EXCUSED	0	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	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

Co-sponsors added: Brophy, Dyer, Entz, Evans, Groff, Hanna, Jones, Kester, Lamborn, May R., McElhany, Teck, Wiens and Williams.

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 (SB06-021) of February 6 was laid over until Tuesday, February 7, 2006, retaining its place on the calendar.

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

SB06-074 by Senator(s) Shaffer; also Representative(s) Berens--Concerning the enforcement of county code requirements pertaining to land use.

(Amended in General Orders as printed in Senate Journal, February 3, page 125.)

Amendment No. 3(L.006), by Senator Shaffer.

Amend the Shaffer floor amendment, (SB74_L.003), page 1, line 3, after "PENALTY", insert "ORDERED BY THE COUNTY COURT AND";
line 7, after "PENALTY", insert "ORDERED BY THE COUNTY COURT AND".

Amendment No. 4(L.007), by Senator Shaffer.

Amend printed bill, page 6, strike lines 24 and 25 and substitute the following:
"implements, farm products, livestock, or poultry without first obtaining a building".

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

SB06-014 by Senator(s) Taylor, Hanna; also Representative(s) White, Coleman, Schultheis, Vigil--Concerning the regulation of entities subject to the real estate commission.

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

HB06-1012 by Representative(s) Ragsdale; also Senator(s) Johnson--Concerning absentee ballots.

Amendment No. 1, State, Veteran & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 2, page 120 and placed in members' bill files.)

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

SB06-051 by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.

Amendment No. 1(L.003), by Senator Tupa.

Amend printed bill, page 3, line 6, after "(3.5)", insert "(a)";

line 9, strike "CANDIDATE, A" and substitute the following:

"CANDIDATE:

(I) A";

line 14, strike "CANDIDATE. NOTHING IN" and substitute the following:

"CANDIDATE; OR

(II) AN IN-KIND GIFT.

(b) NOTHING IN PARAGRAPH (a) OF";

after line 21, insert the following:

"(c) FOR PURPOSES OF THIS SUBSECTION (3.5), AN "IN-KIND GIFT" MEANS ANY GIFT OF EQUIPMENT, GOODS, SUPPLIES, PROPERTY, SERVICES, OR ANYTHING ELSE OF VALUE GIVEN, DIRECTLY OR INDIRECTLY, TO AN INCUMBENT IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE FOR THE PURPOSE OF DEFRAYING ANY EXPENSES RELATED TO THE OFFICIAL DUTIES UNDERTAKEN BY THE INCUMBENT OR ELECTED CANDIDATE."

Amendment No. 2(L.008), by Senator Wiens.

Strike the Tupa floor amendment, (SB051_L.003), and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 24-6-203 (2), Colorado Revised Statutes, is amended to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty - definitions. (2) Every incumbent in or candidate elected to public office who receives from any other person any item described in subsection (3) of this section in connection with the incumbent's or elected candidate's public service shall file with the appropriate officer, on or before January 15, APRIL 15, JUNE 15, AND SEPTEMBER 15 of each year, a report ~~for the preceding calendar year~~ COVERING THE PERIOD SINCE THE LAST REPORT. Such report shall be on forms prescribed by the secretary of state and shall contain, at a minimum, the name of the person from whom the item was received and the amount or value and the date of receipt. The secretary of state shall furnish such forms to municipal clerks, to county clerk and recorders, and to incumbents and elected candidates for state offices and district offices of districts greater than a county free of charge for use by incumbents and elected candidates required to file such forms. If any incumbent in or candidate elected to public office does not receive any such item, he shall not be required to file such report.

SECTION 2. 24-6-203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty. (3) The report required by subsection (2) of this section shall include the following:

(h) IN THE CASE OF ANY GIFT OF MONEYS TO AN INCUMBENT IN OR CANDIDATE ELECTED TO PUBLIC OFFICE FOR THE EXPRESS PURPOSE OF DEFRAYING EXPENSES ARISING FROM THE INCUMBENT OR ELECTED CANDIDATE'S OFFICIAL DUTIES, ALL EXPENDITURES MADE FROM ANY SUCH GIFT BY AMOUNT AND PURPOSE.

SECTION 3. Effective date. (1) This act shall take effect November 7, 2006.

(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."

Senator Gordon moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

REPORT OF THE COMMITTEE OF THE WHOLE

Passed on Second Reading: SB06-074 as amended, SB06-014, HB06-1012 as amended.

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

GENERAL ORDERS -- SECOND READING OF BILLS -- cont.

SB06-051 by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be
cont. accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.

(Amended in General Orders as printed in Senate Journal, February 6, pages 136-137.)

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

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06-051 by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be
accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 06-051 did pass.

Amend printed bill, page 2, line 14, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 3, after line 21, insert the following:

"(3.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO INCUMBENT IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE SHALL ACCEPT A GIFT OF ANY MONEY FROM ANY PERSON WHO IS A PROFESSIONAL OR VOLUNTEER LOBBYIST OR FROM A CORPORATION OR LABOR ORGANIZATION."

The motion was declared PASSED on the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following Wiens floor amendment, (L.008) to SB 06-051, did not pass and that the following Tupa floor amendment, (L.004) to SB 06-051, did pass.

L.008

Strike the Tupa floor amendment, (SB051_L.003), and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 24-6-203 (2), Colorado Revised Statutes, is amended to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty - definitions. (2) Every incumbent in or candidate elected to public office who receives from any other person any item described in subsection (3) of this section in connection with the incumbent's or elected candidate's public service shall file with the appropriate officer, on or before January 15, APRIL 15, JUNE 15, AND SEPTEMBER 15 of each year, a report for the preceding calendar year COVERING THE PERIOD SINCE THE LAST REPORT. Such report shall be on forms prescribed by the secretary of state and shall contain, at a minimum, the name of the person from whom the item was received and the amount or value and the date of receipt. The secretary of state shall furnish such forms to municipal clerks, to county clerk and recorders, and to incumbents and elected candidates for state offices and district offices of districts greater than a county free of charge for use by incumbents and elected candidates required to file such forms. If any incumbent in or candidate elected to public office does not receive any such item, he shall not be required to file such report.

SECTION 2. 24-6-203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty. (3) The report required by subsection (2) of this section shall include the following:

(h) IN THE CASE OF ANY GIFT OF MONEYS TO AN INCUMBENT IN OR CANDIDATE ELECTED TO PUBLIC OFFICE FOR THE EXPRESS PURPOSE OF DEFRAYING EXPENSES ARISING FROM THE INCUMBENT OR ELECTED CANDIDATE'S OFFICIAL DUTIES, ALL EXPENDITURES MADE FROM ANY SUCH GIFT BY AMOUNT AND PURPOSE.

SECTION 3. Effective date. (1) This act shall take effect November 7, 2006.

(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."

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L.004

Amend the Tupa floor amendment, (SB051_L.003), page 1, line 12, strike "ELSE OF VALUE" and substitute "ELSE, THE VALUE OF WHICH EXCEEDS FIFTY DOLLARS IN THE AGGREGATE IN ANY ONE CALENDAR YEAR, ".

The motion was declared PASSED on the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	N	Mitchell	Y	Tochtrop	N
Brophy	N	Isgar	N	Owen	Y	Traylor	Y
Dyer	N	Johnson	N	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	N	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.009) to SB06-051, did pass.

Strike the Tupa floor amendment, (SB051_L.003), and substitute the following:

"Amend printed bill, page 4, after line 1, insert the following:

"SECTION 3. 24-6-203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty. (3) The report required by subsection (2) of this section shall include the following:

(h) IN THE CASE OF AN IN-KIND GIFT OF A CONSTITUENT MAILING, POSTAGE, OR ANY OTHER INSTRUMENT OF COMMUNICATION THE VALUE OF WHICH EXCEEDS TWO HUNDRED DOLLARS TO AN INCUMBENT IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE, IF THE DONOR IS A NATURAL PERSON, THE DONOR'S OCCUPATION, EMPLOYER, AND ADDRESS. IF THE DONOR IS NOT A NATURAL PERSON, THE DONOR'S NAME, ADDRESS, AND REGISTERED AGENT."

Renumber succeeding section accordingly."

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

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

ROLL CALL VOTE ON SB06-051

SB06-051 by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.

Senator McElhany requested a roll call vote on SB06-051.

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	N	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	N	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tapia, 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: SB06-074 as amended, SB06-014, HB06-1012 as amended, SB06-051 as amended.

MESSAGE FROM THE HOUSE

February 6, 2006
Madame President:

The House has adopted and returns herewith SJR06-007.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1140.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1094, amended as printed in House Journal, February 3, page 186.
HB06-1074, amended as printed in House Journal, February 3, pages 186-187.
HB06-1112, amended as printed in House Journal, February 3, page 186.
HB06-1136, amended as printed in House Journal, February 3, page 187.
HB06-1109, amended as printed in House Journal, February 3, page 190.
HB06-1121, amended as printed in House Journal, February 3, page 189.
HB06-1103, amended as printed in House Journal, February 3, page 190.

MESSAGE FROM THE REVISOR OF STATUTES

February 6, 2006

We herewith transmit:

Without comment, HB06-1140.

Without comment, as amended, HB06-1074, 1094, 1103, 1109, 1112, 1121, and 1136.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

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

INTRODUCTION OF BILLS -- FIRST READING

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

- SB06-174** by Senator(s) Sandoval; --Concerning the noncontractual pension benefits of public employees, and, in connection therewith, modifying, for purposes of the public employees' retirement association, the current definition of salary, the highest average salary calculation, the health care subsidy, and the member and employer contribution process.
State, Veterans & Military Affairs
- SB06-175** by Senator(s) Kester; also Representative(s) Jahn--Concerning creation of an intensive supervision probation program for juvenile sex offenders.
Judiciary
- SB06-176** by Senator(s) Spence; --Concerning requirements for educators.
Education
- SB06-177** by Senator(s) Veiga; --Concerning modifications to the statutory requirements of part 3 of article 4.1 of title 24, Colorado Revised Statutes.
Judiciary
- SB06-178** by Senator(s) Mitchell; also Representative(s) White--Concerning the tax credit for redevelopment of contaminated land, and, in connection therewith, eliminating the requirement that the redevelopment occur in a municipality that has a population of ten thousand or more persons.
Local Government
- SB06-179** by Senator(s) Isgar; also Representative(s) Penry--Concerning additional financial support for water projects.
Agriculture, Natural Resources & Energy

SENATE SERVICES REPORT

Correctly Printed: SB06-170, 171, 172, and 173.
Correctly Engrossed: SB06-005, 032, 041, 053, 056, 062, 070, 084, 095, and 113.
Correctly Revised: HJR06-1011.
Correctly Rerevised: HB06-1200.
Correctly Enrolled: SJR06-004, and 006.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1200.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 6 was laid over until Tuesday, February 7, 2006, retaining its place on the calendar.

Consideration of Resolutions: HJR06-1010.
 Consideration of Governor's Appointments:
 Member of the Colorado Racing Commission.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, February 7, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate