

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

---

59th Legislative Day

Friday, March 10, 2006

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Prayer By Senator Fitz-Gerald.

Pledge By Senator Gordon.

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

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

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Teck, reading of the Journal of March 9, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

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**COMMITTEE OF REFERENCE REPORTS**

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1239** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB06-194** be referred to the Committee of the Whole with favorable recommendation.

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:

**MEMBERS OF THE  
STATE AGRICULTURAL COMMISSION**

for terms expiring March 1, 2009:

Donald S. Rutledge of Yuma, Colorado, to serve as a Democrat from the Second Agricultural District, appointed;

Bradley A. Rock of Wray, Colorado, to serve as a Republican from the Second Agricultural District, reappointed;

Del R. Chase of Lamar, Colorado, to serve as a Republican from the Third Agricultural District, appointed.

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**MESSAGE FROM THE HOUSE**

March 9, 2006  
Madame President:

The House has postponed indefinitely SB06-029. The bill is returned herewith.

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**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:

**HB06-1181** by Representative(s) Cerbo; also Senator(s) Tochtrop--Concerning county sheriffs, and, in connection therewith, limiting the power of a sheriff to revoke the appointment of a deputy at will and modifying the liability of a sheriff for certain acts.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	Jones	N	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	Y	President	Y
Hagedorn	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: Johnson.

**HB06-1177** by Representative(s) McGihon; also Senator(s) Shaffer--Concerning the regulation of asbestos abatement activities, and, in connection therewith, continuing the asbestos control program.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	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	N	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, Groff, Hanna, Tochtrop and Williams.

**HB06-1005** by Representative(s) Pommer, Benefield, King, Merrifield; also Senator(s) Bacon, Tupa, Windels, Williams--Concerning the authorization of additional school district revenues to fund costs associated with full-day kindergarten programs.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	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.	N	Taylor	Y	President	Y
Hagedorn	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: Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Isgar, Sandoval, Shaffer, Tapia and Veiga.

**HB06-1007** by Representative(s) Decker; also Senator(s) Williams--Concerning the transfer of a motor vehicle to a person not licensed as a motor vehicle dealer for the purpose of scrapping the motor vehicle.

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

YES	33	NO	1	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	E	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	N
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: May R.

**HB06-1031** by Representative(s) Larson; also Senator(s) Isgar--Concerning the reimbursement allowed to directors of the southwestern water conservation district for nontravel expenses.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	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: Dyer, Kester, Taylor and Teck.

**HB06-1032** by Representative(s) Hodge; also Senator(s) Brophy--Concerning inflation adjustments for irrigation districts.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	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.	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**.

Co-sponsors added: Teck.

**SB06-090** by Senator(s) Wiens, Johnson; also Representative(s) Harvey--Concerning local government cooperation with federal officials regarding the immigration status of persons in this state.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	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, Evans, Grossman, Hagedorn, Jones, Kester, Lamborn, May R., Mitchell, Spence, Taylor, Teck, Tochtrop and Traylor.

**HB06-1179** by Representative(s) Hall; also Senator(s) Tapia--Concerning peace officer authority in Colorado for certain federal law enforcement officers.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	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: Grossman.

**HB06-1125** by Representative(s) Coleman, Larson, Riesberg, Ragsdale, Pommer, Frangas, Gallegos, Green, Judd, Lindstrom, Merrifield, Vigil; also Senator(s) Groff, Williams, Grossman--Concerning the enforcement of an offense involving failure to use an appropriate motor vehicle restraining device.

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	N	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	Y
Dyer	Y	Johnson	N	Sandoval	Y	Tupa	N
Entz	E	Jones	N	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	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: Shaffer.

**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.

Laid over until Tuesday, March 14, retaining its place on the calendar.

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

**HB06-1250** 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.

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

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

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

Amend reengrossed bill, page 2, line 24, after "DISTRICT", insert "BOARD".

Page 3, line 3, after "DISTRICT", insert "BOARD".

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

**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.

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

**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.

Upon request of Senator Gordon, **HB06-1103** was removed from the Consent Calendar of March 10 and placed on the General Orders -- Second Reading of Bills calendar of Tuesday, March 14.

**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.

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

**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.

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

**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.

Amendment No. 1(L.002), by Senator Windels.

Amend reengrossed bill, page 2, line 4, strike "2017," and substitute "2012,".

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

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

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 Isgar, 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: HB06-1250, HB06-1093 as amended, HB06-1020, HB06-1061, HB06-1025, HB06-1242 as amended, HB06-1254.

Laid over to the General Orders -- Second Reading of Bills calendar, Tuesday, March 14: HB06-1103.

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

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

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 7, page 417 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Veiga.

Amend reengrossed bill, page 3, line 14, strike "SHALL" and substitute "MAY";

line 15, after the period, add:

"THE DECISION TO FINE SHALL BE BASED ON PRIOR VIOLATIONS OF THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) BY THE SHERIFF OR POLICE CHIEF AND THE WILLINGNESS OF THE SHERIFF OR POLICE CHIEF TO ADDRESS THE VIOLATIONS IN ORDER TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (d).";

line 25, strike "(8)" and substitute "(8) (a)";

after line 27, insert the following:

"(b) A SHERIFF OR POLICE CHIEF WHO VIOLATES THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (8) MAY BE SUBJECT TO A CIVIL FINE OF NO MORE THAN ONE THOUSAND DOLLARS. THE DECISION TO FINE SHALL BE BASED ON PRIOR VIOLATIONS OF THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (8) BY THE SHERIFF OR POLICE CHIEF AND THE WILLINGNESS OF THE SHERIFF OR POLICE CHIEF TO ADDRESS THE VIOLATIONS IN ORDER TO COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (8).".

Page 5, line 22, strike "(1.1)" and substitute "(1.1) (a)".

Page 6, after line 14, insert the following:

"(b) A SHERIFF OR POLICE CHIEF WHO VIOLATES THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.1) RELATED TO DETAINING JUVENILES MAY BE SUBJECT TO A CIVIL FINE OF NO MORE THAN ONE THOUSAND DOLLARS. THE DECISION TO FINE SHALL BE BASED ON PRIOR VIOLATIONS OF THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.1) BY THE SHERIFF OR POLICE CHIEF AND THE WILLINGNESS OF THE

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SHERIFF OR POLICE CHIEF TO ADDRESS THE VIOLATIONS IN ORDER TO COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (1.1).".

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

**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.

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

**SB06-052** by Senator(s) Grossman; --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.

Laid over until Tuesday, March 14, retaining its place on the calendar.

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

(Amended in General Orders as printed in Senate Journal, March 9, page 446.)

Amendment No. 4(L.005), by Senator Windels.

Amend printed bill, page 9, after line 21, insert the following:

"**SECTION 7.** 22-63-301, Colorado Revised Statutes, is amended to read:

**22-63-301. Grounds for dismissal.** A teacher may be dismissed for physical or mental disability; incompetency; neglect of duty; VIOLATION OF SCHOOL DISTRICT POLICY; immorality; unsatisfactory performance; insubordination; the conviction of a felony or the acceptance of a guilty plea, a plea of nolo contendere, or a deferred sentence for a felony; or other good and just cause. No teacher shall be dismissed for temporary illness, leave of absence previously approved by the board, or military leave of absence pursuant to article 3 of title 28, C.R.S.".

Renumber succeeding sections accordingly.

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.)

**HB06-1174** by Representative(s) Soper, Carroll M., Cerbo, Larson, Sullivan; also Senator(s) Shaffer--Concerning workers' compensation coverage for workers in the construction industry.

(Amended in General Orders as printed in Senate Journal, March 9, pages 444 & 448.)

As amended, laid over until Tuesday, March 14, retaining its place on the calendar.

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

Laid over until Tuesday, March 14, retaining its place on the calendar.

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

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

**HB06-1095** by Representative(s) Weissmann, Garcia, Marshall; also Senator(s) Hanna, Groff, Takis--Concerning a preference for the purchase of environmentally preferable products by governmental entities.

Laid over until Tuesday, March 14, retaining its place on the calendar.

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**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.

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

**SB06-002** by Senator(s) Shaffer; --Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.

Laid over until Tuesday, March 14, retaining its place on the calendar.

**HB06-1141** by Representative(s) Hall, Massey; also Senator(s) Grossman--Concerning the authorization of affiliated business arrangements relating to title insurance.

Laid over until Tuesday, March 14, retaining its place on the calendar.

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

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, March 8, page 435 and placed in members' bill files.)

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

**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.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, March 8, page 435 and placed in members' bill files.)

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

Strike the Business, Labor and Technology Committee Report, dated March 7, 2006.

Amend reengrossed bill, page 2, line 6, before "SUPPLEMENTAL", insert "LONG-TERM CARE POLICY, DISABILITY INCOME POLICY, OR";

line 18, before "SUPPLEMENTAL", insert "LONG-TERM CARE POLICY, DISABILITY INCOME POLICY, OR".

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

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

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

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment, (L.004) to SB 06-176, did pass.

Amend printed bill, page 9, after line 21, insert the following:

**"SECTION 7. Legislative declaration.** (1) The general assembly finds that:

(a) The highly questionable and controversial conduct of Overland high school geography instructor Jay Bennish toward his students, as recently reported by state and national media, underscores the need for Colorado school districts to have the power to take effective countermeasures when faculty members fail to objectively, even-handedly present controversial course material;

(b) Bennish, who holds a position of trust and authority over minor children, made a series of provocative and politically incendiary remarks to his teenaged students in which, among other things, he likened

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President George W. Bush to Adolf Hitler and referred to the United States' support for democracy in Iraq as an illegal invasion;

(c) In the course of making the remarks, Bennish left no doubt that he personally embraced the beliefs he was presenting, posing the potential of intimidating dissenting students into silence, and he made no attempt to balance his views with countervailing opinions;

(d) Public school faculty entrusted with the instruction of children under 18 years of age have an extra duty of care to ensure those children are not indoctrinated with the political, religious, or other personal views of the faculty; and

(e) Although the public uproar over Bennish's remarks led to an investigation by the Cherry Creek school district into concerns that its district policies had been violated by Mr. Bennish, it is clear that school districts need greater flexibility in responding to such circumstances and, if needed, in disciplining or firing the faculty responsible regardless of their employment status;

(2) The general assembly therefore determines and declares that it is necessary to enact legislation that empowers school districts with statutory language clarifying their ability to take measures against faculty who fail to provide balance in presenting controversial issues in class.

**SECTION 8.** 22-63-301, Colorado Revised Statutes, is amended to read:

**22-63-301. Grounds for dismissal.** A teacher may be dismissed for physical or mental disability; incompetency; neglect of duty, INCLUDING BUT NOT LIMITED TO A PATTERN OF FAILING TO PRESENT BALANCED VIEWPOINTS ON CONTROVERSIAL TOPICS AS REQUIRED BY SCHOOL DISTRICT POLICY; immorality; unsatisfactory performance; insubordination; the conviction of a felony or the acceptance of a guilty plea, a plea of nolo contendere, or a deferred sentence for a felony; or other good and just cause. No teacher shall be dismissed for temporary illness, leave of absence previously approved by the board, or military leave of absence pursuant to article 3 of title 28, C.R.S."

Renumber succeeding sections accordingly.

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

YES	14	NO	20	EXCUSED	1	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	E	Jones	Y	Shaffer	N	Veiga	N
Evans	Y	Keller	N	Spence	Y	Wiens	Y
Gordon	N	Kester	N	Takis	N	Williams	N
Groff	N	Lamborn	Y	Tapia	N	Windels	N
Grossman	N	May R.	Y	Taylor	N	President	N
Hagedorn	N	McElhany	Y	Teck	Y		

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

On motion of Senator Isgar, 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: HB06-1112 as amended, SB06-176 as amended, HB06-1074, HB06-1321, HB06-1156 as amended, HB06-1106 as amended.  
 Referred to the Committee on Appropriations: SB06-138.  
 Laid over until Tuesday, March 14: SB06-052, HB06-1174 as amended, HB06-1159, HB06-1095, SB06-002, HB06-1141.

**CONSIDERATION OF RESOLUTIONS**

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

Laid over until Tuesday, March 14, retaining its place on the calendar.

**HJR06-1018** by Representative(s) Witwer, Larson, Curry, Kerr, McCluskey, McGihon, Pommer, Rose, White; also Senator(s) Traylor, Tochtrop--Concerning the proposed sale of United States forest lands to provide funding to reauthorize the federal "Secure Rural Schools and Community Self-Determination Act of 2000", and, in connection therewith, urging the United States Forest Service to rescind the proposal for the sale of these lands.

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	N	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	E	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	N	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	N	Teck	N		

Co-sponsors added: Bacon, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Keller, Kester, Sandoval, Shaffer, Takis, Taylor, Tupa, Veiga, Williams and Windels.

**CONSIDERATION OF MEMORIALS**

**SJM06-001** by Senator(s) Tochtrop; also Representative(s) Solano--Concerning border security.

Laid over until Tuesday, March 14, retaining its place on the calendar.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**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.

Laid over until Tuesday, March 14, retaining its place on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB06-1215** by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--Concerning a supplemental appropriation to the department of education.

Senator Tapia moved for the adoption of the First Report of the First Conference Committee on **HB06-1215**, as printed in Senate Journal, March 3, page 402. The motion was **adopted** by the following roll call vote:

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

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

YES	33	NO	1	EXCUSED	1	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	E	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, as amended, was declared **repassed**.

Co-sponsors added: Tupa.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Sandoval, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2009:

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

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	E	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		

**COMMITTEE OF REFERENCE REPORTS**

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SB06-191** be postponed indefinitely.

Appro-  
priations

After consideration on the merits, the Committee recommends that **SB06-178** be postponed indefinitely.

Appro-  
priations

After consideration on the merits, the Committee recommends that **SB06-188** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 22, after line 1, insert the following:

**"SECTION 11. Appropriation - adjustments to the 2006 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not

otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2006, the sum of six hundred fifty-six thousand three hundred thirty-three dollars (\$656,333), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2006, to the department of state, administration, for personal services, is reduced by 1.0 FTE and the appropriation to the department of state, information and technology services, for personal services, is increased by 0.5 FTE."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "STATEMENT." and substitute "STATEMENT, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB06-152** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB06-064** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans & Military Affairs Committee Report, dated February 8, 2006, page 4, line 16, strike "OTHERWISE." and substitute "OTHERWISE.";

after line 16, insert the following:

**"SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of personnel and administration, for allocation to the division of information technology, for the fiscal year beginning July 1, 2006, the sum of five hundred one thousand sixty-seven dollars (\$501,067) and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of agriculture, for the fiscal year beginning July 1, 2006, the sum of eleven thousand three hundred fourteen dollars (\$11,314) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2006, the sum of one hundred seventy-one thousand nine hundred eighteen dollars (\$171,918) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2006, the sum of forty-eight thousand seventy-six dollars (\$48,076) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of labor and employment, for the fiscal year beginning July 1, 2006, the sum of one hundred twenty-four thousand two hundred twenty-five dollars (\$124,225) and 2.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise

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appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2006, the sum of one hundred eleven thousand five hundred eighty dollars (\$111,580) and 1.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(7) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2006, the sum of twenty-three thousand seventy dollars (\$23,070) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(8) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2006, the sum of thirty-six thousand eight hundred twenty-four dollars (\$36,824) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(9) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of transportation, for the fiscal year beginning July 1, 2006, the sum of forty-two thousand twenty-three dollars (\$42,023) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(10) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2006, the sum of forty-eight thousand seventy-six dollars (\$48,076) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act."."

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after line 17, insert the following:

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"Page 1, line 110, strike "AND";

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line 111, strike "NONPERFORMANCE." and substitute "NONPERFORMANCE, AND MAKING AN APPROPRIATION.".

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Appropriations

After consideration on the merits, the Committee recommends that **SB06-109** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend the Senate State, Veterans & Military Affairs Committee Report dated February 6, 2006, page 1, after line 16, insert the following:

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**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of insurance, for the fiscal year beginning July 1, 2006, the sum of two hundred sixty-seven thousand four hundred fifty-nine dollars (\$267,459) and 3.1 FTE, or so much thereof as may be necessary, for the implementation of this act."."

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line 17, strike "SECTION 2." and substitute "SECTION 3.".

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Page 2, line 10, strike "PROHIBITION." and substitute "PROHIBITION, AND MAKING AN APPROPRIATION.".

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Appropriations

After consideration on the merits, the Committee recommends that **SB06-019** be postponed indefinitely.

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Appropriations

After consideration on the merits, the Committee recommends that **SB06-172** be referred to the Committee of the Whole with favorable recommendation.

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Appropriations	After consideration on the merits, the Committee recommends that <b>SB06-058</b> be referred to the Committee of the Whole with favorable recommendation.	3
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Appropriations	After consideration on the merits, the Committee recommends that <b>SB06-120</b> be referred to the Committee of the Whole with favorable recommendation.	7
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Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	11
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	<u>MEMBERS OF THE</u> <u>COLORADO HEALTH FACILITIES AUTHORITY</u> <u>BOARD OF DIRECTORS</u>	15
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	for a term expiring June 30, 2007:	18
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	Ann C. Kiley of Denver, Colorado, to fill the vacancy occasioned by the resignation of Mary A. Fairchild of Denver, Colorado, and to serve as a Democrat, appointed.	21
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	for terms expiring June 30, 2009:	24
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	Andrea C. Dikeou of Denver, Colorado, to serve as a Republican, reappointed;	26
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	H. Ben Weindling of Pueblo, Colorado, to serve as a Democrat, reappointed;	28
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	Lance L. Luckett of Carbondale, Colorado, to serve as a Democrat, reappointed.	30
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Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB06-1318</b> be referred to the Committee of the Whole with favorable recommendation.	33
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Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB06-1207</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	37
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Health & Human Services	After consideration on the merits, the Committee recommends that <b>SB06-035</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	42
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	Amend printed bill, strike everything below the enacting clause and substitute the following:	46
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	" <b>SECTION 1.</b> 10-16-221, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	49
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	<b>10-16-221. Health care task force - creation - duties - repeal.</b>	52
	(2.5) THE TASK FORCE SHALL CONSIDER DURING THE 2006 INTERIM ISSUES RAISED BY SENATE BILL 06-035 AS INTRODUCED IN THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY.	53
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	<b>SECTION 2. Safety clause.</b> The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."	57
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	Page 1, line 103, strike " <b>PLAN.</b> " and substitute " <b>PLAN, AND, IN CONNECTION THEREWITH, REFERRING STUDY OF CREATION OF THE PROGRAM TO THE HEALTH CARE TASK FORCE.</b> "	61
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Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB06-1328</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	66
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Health & Human Services	After consideration on the merits, the Committee recommends that <b>SB06-196</b> be referred to the Committee of the Whole with favorable recommendation.	3 4 5 6
Finance	After consideration on the merits, the Committee recommends that <b>HB06-1320</b> be referred to the Committee of the Whole with favorable recommendation.	7 8 9 10
Finance	After consideration on the merits, the Committee recommends that <b>HB06-1287</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14 15
	Amend reengrossed bill, page 2, after line 1, insert the following:	16
	" <b>SECTION 1.</b> 22-63-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	17 18 19
	<b>22-63-401. Salary schedule - adoption - changes.</b> (5) THE TRUSTEE OR TRUSTEES OF A TRUST FOR THE BENEFIT OF A TEACHER COMPENSATION SYSTEM IN A SCHOOL DISTRICT COTERMINOUS WITH A CITY AND COUNTY SHALL MANAGE AND INVEST THE FUNDS AND ASSETS HELD IN TRUST PURSUANT TO THE STANDARDS AND OTHER PROVISIONS FOR TRUSTEES SET FORTH IN THE "COLORADO UNIFORM PRUDENT INVESTOR ACT", ARTICLE 1.1 OF TITLE 15, C.R.S."	20 21 22 23 24 25 26 27
	Renumber succeeding sections accordingly.	28 29
	Page 3, line 10, after "INVESTED", insert "BY THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION CREATED IN ARTICLE 51 OF THIS TITLE OR ANY OTHER FUNDS INVESTED" and, after the period, add ""PUBLIC FUNDS" SHALL ALSO NOT INCLUDE TRUSTS MANAGED ON BEHALF OF THE BOARD OF EDUCATION OF A SCHOOL DISTRICT COTERMINOUS WITH A CITY AND COUNTY FOR THE BENEFIT OF A RETIREE'S HEALTH INSURANCE AND TEACHER COMPENSATION."	30 31 32 33 34 35 36 37
	Page 12, strike lines 3 and 4 and substitute the following:	38 39
	"(I) (I) Any guaranteed investment contract, guaranteed interest";	40 41
	line 7, strike " <del>claims paying ability rating,</del> " and substitute "claims paying ability rating,";	42 43 44
	strike lines 15 through 20.	45 46 47
Education	After consideration on the merits, the Committee recommends that <b>SB06-205</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	48 49 50 51
	Amend printed bill, page 3, line 22, before "STATE", insert "GOVERNING BOARDS OF THE";	52 53 54
	line 25, after "A", insert "GOVERNING BOARD OF A".	55 56 57
Education	After consideration on the merits, the Committee recommends that <b>SB06-203</b> be referred to the Committee of the Whole with favorable recommendation.	58 59 60
Trans- portation	After consideration on the merits, the Committee recommends that <b>SB06-192</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	61 62 63 64 65
	Amend printed bill, page 2, line 13, strike "PROBLEM;" and substitute "PROBLEM, AS EVIDENCED BY THE CASE OF SONJA MARIE DEVRIES WHO WAS KILLED IN 2004 BY A DRUNK DRIVER WHO HAD BEEN CONVICTED OF	66 67 68 69

DRUNK DRIVING ON SIX PREVIOUS OCCASIONS;";

strike lines 25 through 27 and substitute the following:

"(3) (a) THE TASK FORCE SHALL CONSIST OF:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR HIS OR HER DESIGNEE WHO SHALL ALSO CONVENE THE FIRST MEETING OF THE TASK FORCE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR HIS OR HER DESIGNEE;

(III) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE;

(IV) THE CHIEF OF THE COLORADO STATE PATROL OR HIS OR HER DESIGNEE;

(V) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

(VI) THE DIRECTOR OF THE DIVISION OF ALCOHOL AND DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES;

(VII) THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES OR HIS OR HER DESIGNEE;

(VIII) THE FOLLOWING MEMBERS SELECTED JOINTLY BY THE MEMBER SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a):

(A) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF CHIEFS OF POLICE WITH EXPERIENCE IN MAKING ARRESTS FOR DRUNK OR IMPAIRED DRIVING;

(B) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF COUNTY SHERIFFS WITH EXPERIENCE IN MAKING ARRESTS FOR DRUNK OR IMPAIRED DRIVING;

(C) A VICTIM OR A FAMILY MEMBER OF A VICTIM OF DRUNK OR IMPAIRED DRIVING;

(D) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF VICTIMS OF DRUNK OR IMPAIRED DRIVING;

(E) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF DISTRICT ATTORNEYS WITH EXPERIENCE IN PROSECUTING DRUNK OR IMPAIRED DRIVING OFFENSES;

(F) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CRIMINAL DEFENSE ATTORNEYS WITH EXPERIENCE IN DEFENDING PERSONS CHARGED WITH DRUNK OR IMPAIRED DRIVING OFFENSES;

(G) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS PERSONS WHO SELL ALCOHOLIC BEVERAGES AT RETAIL;

(H) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS DISTRIBUTORS OF ALCOHOLIC BEVERAGES IN COLORADO;

(I) A MANUFACTURER OF ALCOHOLIC BEVERAGES IN COLORADO; AND

(J) A PERSON UNDER TWENTY-FOUR YEARS OF AGE WHO IS ENROLLED IN A SECONDARY OR POSTSECONDARY SCHOOL."

Page 3, strike lines 1 through 21;

after line 21, insert the following:

"(b) MEMBERS SELECTED PURSUANT TO SUBPARAGRAPH (VIII) OF

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PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL SERVE TERMS OF TWO YEARS BUT MAY BE SELECTED FOR ADDITIONAL TERMS."

Reletter succeeding paragraph accordingly.

Page 3, after line 24, insert the following:

"(d) THE INITIAL MEETING OF THE TASK FORCE SHALL BE CONVENED ON OR BEFORE AUGUST 1, 2006, BY THE MEMBER SERVING PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3). AT THE FIRST MEETING, THE TASK FORCE SHALL ELECT A CHAIR AND VICE CHAIR FROM THE MEMBERS SERVING PURSUANT TO SUBPARAGRAPHS (I) TO (VII) OF PARAGRAPH (a) OF THIS SUBSECTION (3), WHO SHALL SERVE A TERM OF TWO YEARS BUT WHO MAY BE REELECTED FOR ADDITIONAL TERMS.

(e) THE TASK FORCE SHALL MEET NOT LESS FREQUENTLY THAN BIMONTHLY AND MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES."

Page 4, line 3, strike "2016." and substitute "2011.";

line 7, strike "(3)," and substitute "(3) (x),";

line 8, strike "PARAGRAPH" and substitute "SUBPARAGRAPH";

after line 11, insert the following:

"(x) July 1, 2011:";

line 12, strike "(cc) JULY 1, 2016:" and substitute "(V)";

strike lines 14 through 23 and substitute the following:

"SECTION 3. 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."

Appropriations

After consideration on the merits, the Committee recommends that SB06-063 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 15 through 17 and substitute the following:

"FOR PURPOSES OF THIS SUBSECTION (3.7), "SIGNIFICANT" MEANS A PROJECT FOR WHICH THE TOTAL ESTIMATED DEVELOPMENT COST IS NOT LESS THAN FIVE MILLION DOLLARS, THE PROJECT DEVELOPMENT OR ACQUISITION IS A MULTI-YEAR EFFORT, THE PROJECT HAS A CRITICAL LEVEL OF RISK AS DETERMINED BY AN ASSESSMENT PERFORMED BY THE OFFICE, AND THE PROJECT REQUIRES FREQUENT OR CONSISTENT COORDINATION BETWEEN OR AMONG INFORMATION TECHNOLOGY PROJECT MANAGEMENT STAFF AND AGENCY ADMINISTRATIVE OR PROGRAM STAFF."

Page 4, strike line 8 and substitute the following:

"24-37.5-105. Office - responsibilities. (4) (a) THE OFFICE SHALL ESTABLISH POLICIES AND PROCEDURES FOR ACCEPTABLE PROJECT PLANS AND FEASIBILITY STUDIES.

(b) PRIOR TO THE";

line 19, strike "CERTIFICATION" and substitute "VERIFICATION";

line 26, after "ANALYSTS.", insert "THE QUALIFICATIONS FOR PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS SHALL INCLUDE, AT A MINIMUM, AND WITHOUT LIMITATION, CERTIFICATION BY THE PROJECT MANAGEMENT INSTITUTE, CERTIFICATION FROM ANOTHER EQUIVALENT

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STANDARDS ORGANIZATION, OR RELEVANT EXPERIENCE WITH SIGNIFICANT MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS."

Page 5, line 5, strike "PROJECT." and substitute "PROJECT UNLESS THE AGENCY'S PROJECT MANAGER OR PROJECT MANAGEMENT ANALYST SATISFIES THE CRITERIA SPECIFIED IN THIS PARAGRAPH (a).";

line 16, strike "CERTIFICATION" and substitute "VERIFICATION".

Page 6, line 9, strike "CERTIFICATION" and substitute "VERIFICATION".

Page 7, after line 7, insert the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the office of the governor, for allocation to the office of innovation and technology, for the project management team, for the fiscal year beginning July 1, 2006, the sum of two hundred forty-nine thousand two hundred eighty-one dollars (\$249,281) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "SYSTEMS." and substitute "SYSTEMS, AND MAKING AN APPROPRIATION THEREFOR."

**SENATE SERVICES REPORT**

- Correctly Printed:** SB06-208; SJM06-001; SR06-005.
- Correctly Engrossed:** SB06-090.
- Correctly Reengrossed:** SB06-020, 027, and 129.
- Correctly Revised:** HB06-1005, 1007, 1031, 1032, 1125, 1177, 1181, and 1179.
- Correctly Rerevised:** HB06-1069, 1079, 1143, and 1265.

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

The President has signed: HB06-1180, 1319.

Senator Gordon withdrew his complaint against Senator Hanna.

President Fitz-Gerald dissolved the Committee on Ethics regarding this complaint.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, March 13, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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