# HOUSE JOURNAL

## SIXTY-SIXTH GENERAL ASSEMBLY

## STATE OF COLORADO

### First Regular Session

Fourteenth Legislative Day Tuesday, January 23, 2007

Prayer by Pastor Curtis Miller, Worship Center, Brighton.

The Speaker called the House to order at 9:00 a.m.

Pledge of Allegiance led by Representative Jon Frazier, Mitchell High School, Colorado Springs.

The roll was called with the following result:

Present--62.
Excused--Representatives Kerr J., Stafford--2.
Absent--Representative Pommer--1.
Present after roll call--Representatives, Kerr J., Stafford, Pommer.

The Speaker declared a quorum present.

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On motion of Representative Casso, the reading of the journal of January 22, 2007, was declared dispensed with and approved as corrected by the Chief Clerk.

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## THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

**HB07-1048** by Representative(s) Merrifield; also Senator(s) Windels--Concerning longitudinal analysis of student assessments.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | E |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | E | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Balmer, Benefield, Borodkin, Butcher, Carroll M, Carroll T, Casso, Fischer, Frangas, Gallegos, Gardner C, Green, Hicks, Hodge, Jahn, Kefalas, Kerr A, Labuda, Lambert, Levy, Madden, Massey, May, McFadyen, McGihon, Mitchell, Peniston, Primavera, Rice, Riesberg, Solano, Soper, Stephens, Summers, Todd, White, Speaker.

**HB07-1005** by Representative(s) Soper; also Senator(s) Morse--Concerning an alert program for missing persons with developmental disabilities.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | E | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Balmer, Borodkin, Buescher, Butcher, Carroll M, Carroll T, Casso, Frangas, Gallegos, Gardner B, Gibbs, Green, Hicks, Hodge, Jahn, Kefalas, Kerr A, Labuda, Madden, Marshall, Massey, Merrifield, Mitchell, Peniston, Primavera, Riesberg, Solano, Stephens, Summers, Todd, Vaad, Witwer, Speaker.

**HB07-1010** by Representative(s) Marostica; also Senator(s) Morse--Concerning the use of electronic transfers in the warrant process.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 63 | NO | 01 | EXCUSED | 01 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | N | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Gardner B, Hicks, Kerr J, King, Lambert, Liston, Roberts, Rose, Stephens, White.

**HB07-1053** by Representative(s) Cerbo, Carroll T., McGihon, Witwer; also Senator(s) Groff, Mitchell S., Shaffer, Veiga--Concerning the enactment of Colorado Revised Statutes 2006 as the positive and statutory law of the state of Colorado.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 64 | NO | 00 | EXCUSED | 01 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Casso, Gardner B.

**HB07-1014** by Representative(s) Curry, Merrifield; also Senator(s) Schwartz--Concerning authority to offer graduate programs at Western state college of Colorado.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 64 | NO | 00 | EXCUSED | 01 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Buescher, Butcher, Carroll T, Fischer, Gallegos, Gardner C, Gibbs, Hicks, Jahn, Kerr A, King, Labuda, Levy, Lundberg, Madden, Massey, Riesberg, Rose, Solano, Soper, Summers, Todd, Witwer, Speaker.

**HB07-1029** by Representative(s) McGihon, Riesberg; also Senator(s) Tochtrop, Williams--Concerning disability and survivor benefits for members of the fire and police pension association.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 64 | NO | 00 | EXCUSED | 01 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | E |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Borodkin, Buescher, Casso, Hicks, Kerr A, Kerr J, King, Labuda, Levy, Madden, McFadyen, Merrifield, Stafford, Stephens, Todd, Witwer.

**HB07-1030** by Representative(s) Riesberg, Cerbo, Liston, McGihon; also Senator(s) Taylor, Tochtrop, Williams--Concerning the timing of contribution deposits for plans administered by the fire and police pension association.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | Y |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Butcher, Hicks, Kerr A, Kerr J, King, Looper, McFadyen, Stafford, Todd.

**HB07-1031** by Representative(s) Witwer, Liston, McGihon, Riesberg; also Senator(s) Tochtrop, Taylor, Williams--Concerning length of service awards for bona fide volunteers who provide qualified emergency services.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | Y |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | Y | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Balmer, Curry, Frangas, Gallegos, Gardner B, Hicks, Jahn, Kerr J, King, Labuda, Levy, Looper, Massey, Roberts, Rose, Stafford, Stephens, Summers, Todd.

**HB07-1045** by Representative(s) Kerr J.; also Senator(s) Keller--Concerning an increase in the maximum number of persons who may serve on a county planning commission.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

| YES | 64 | NO | 01 | EXCUSED | 00 | ABSENT | 00 |
|---|---|---|---|---|---|---|---|
| Balmer | Y | Gardner B | Y | Looper | Y | Rice | Y |
| Benefield | Y | Gardner C | Y | Lundberg | Y | Riesberg | Y |
| Borodkin | Y | Gibbs | Y | Madden | Y | Roberts | Y |
| Buescher | Y | Green | Y | Marostica | Y | Rose | Y |
| Butcher | Y | Hicks | Y | Marshall | Y | Solano | Y |
| Cadman | Y | Hodge | Y | Massey | Y | Sonnenberg | Y |
| Carroll M | Y | Jahn | Y | May | Y | Soper | Y |
| Carroll T | Y | Judd | Y | McFadyen | Y | Stafford | Y |
| Casso | Y | Kefalas | Y | McGihon | Y | Stephens | Y |
| Cerbo | Y | Kerr A | Y | McKinley | Y | Summers | Y |
| Curry | Y | Kerr J | Y | McNulty | Y | Swalm | Y |
| Fischer | Y | King | Y | Merrifield | Y | Todd | Y |
| Frangas | Y | Labuda | Y | Mitchell | Y | Vaad | Y |
| Gagliardi | Y | Lambert | N | Peniston | Y | Weissmann | Y |
| Gallegos | Y | Levy | Y | Pommer | Y | White | Y |
| Garcia | Y | Liston | Y | Primavera | Y | Witwer | Y |
| | | | | | | Speaker | Y |

Co-sponsors added: Representatives Frangas, Hicks, Looper, Witwer.

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## REPORTS OF COMMITTEE OF REFERENCE

**EDUCATION**
After consideration on the merits, the Committee recommends the following:

**HB07-1050** be referred to the Committee of the Whole with favorable recommendation.

**HB07-1118** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 6, strike "MARCH" and substitute "JANUARY".

line 14, strike "07-___," and substitute "07-053,".

Page 3, line 1, after "ARCHITECTURE,", insert "ARTS,";

line 2, after "MANAGEMENT,", insert "CONSTRUCTION TECHNOLOGY,";

line 22, before "GUIDELINES", insert "SUGGESTED";

line 26, after "2008.", add "EACH BOARD OF EDUCATION SHALL HAVE FLEXIBILITY REGARDING THE ORDER IN WHICH A STUDENT MUST TAKE COURSES REQUIRED FOR GRADUATION.".

Page 4, line 14, strike "07-___" and substitute "07-053";

line 17, strike "07-___" and substitute "07-053".

**HB07-1122** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 4, after "THAN", insert "ONE THOUSAND".

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## PRINTING REPORT

The Chief Clerk reports the following bill has been correctly printed: **HB07-1177**.

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## INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

**HJR07-1009** by Representative(s) Looper, Butcher, Cadman, Gardner B., Hicks, Lambert, Stephens, Merrifield; also Senator(s) McElhany, May R., Morse, Schultheis--Concerning the building of a national cemetery in the Pikes Peak region.

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House in recess. House reconvened.

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## REPORTS OF COMMITTEES OF REFERENCE

**HEALTH & HUMAN SERVICES**

After consideration on the merits, the Committee recommends the following:

**HB07-1021** be referred to the Committee of the Whole with favorable recommendation.

**HB07-1025** be referred to the Committee of the Whole with favorable recommendation.

**JUDICIARY**

After consideration on the merits, the Committee recommends the following:

**HB07-1034** be referred to the Committee of the Whole with favorable recommendation.

**HB07-1082** be postponed indefinitely.

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## INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

**HJR07-1010** by Representative(s) Rice; also Senator(s) Shaffer--Concerning the recognition of military and veterans appreciation day.

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## LAY OVER OF CALENDAR ITEMS

On motion of Representative Marshall, the following items on the Calendar were laid over until January 24, retaining place on Calendar:

Consideration of General Orders--**HB07-1041, 1049, 1055, 1028**.
Consideration of Memorial--**SJM07-001**.

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On motion of Representative Marshall, the House adjourned until 9:00 a.m., January 24, 2007.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk