

**HOUSE JOURNAL**  
**SIXTY-FIFTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Twenty-ninth Legislative Day

Wednesday, February 8, 2006

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

3  
4 The Speaker called the House to order at 9:00 a.m.

5  
6 Pledge of Allegiance led by Representative Gallegos.

7  
8 The roll was called with the following result:

9  
10 Present--64.

11 Excused--Representative McGihon--1.

12 Present after roll call--Representative McGihon.

13  
14 The Speaker declared a quorum present.

15  
16  
17 On motion of Representative Berens, the reading of the journal of  
18 February 7, 2006, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.

20  
21  
22 On motion of Representative Boyd, the House resolved itself into  
23 Committee of the Whole for consideration of General Orders, and she  
24 was called to the Chair to act as Chairman.

25  
26  
27 **GENERAL ORDERS--SECOND READING OF BILLS**

28  
29 The Committee of the Whole having risen, the Chairman reported the  
30 titles of the following bills had been read (reading at length had been  
31 dispensed with by unanimous consent), the bills considered and action  
32 taken thereon as follows:

33  
34 (Amendments to the committee amendment are to the printed committee  
35 report which was printed and placed in the members' bill file.)

36  
37 **HB06-1213** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
38 Tapia, Keller, Owen--Concerning a supplemental  
39 appropriation to the department of agriculture.

40  
41 Ordered engrossed and placed on the Calendar for Third Reading and  
42 Final Passage.

43

1 **HB06-1214** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
2 Tapia, Keller, Owen--Concerning a supplemental  
3 appropriation to the department of corrections.  
4

5 Ordered engrossed and placed on the Calendar for Third Reading and  
6 Final Passage.  
7

8 **HB06-1215** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
9 Tapia, Keller, Owen--Concerning a supplemental  
10 appropriation to the department of education.  
11

12 Ordered engrossed and placed on the Calendar for Third Reading and  
13 Final Passage.  
14

15 **HB06-1216** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
16 Tapia, Keller, Owen--Concerning a supplemental  
17 appropriation to the offices of the governor, lieutenant  
18 governor, and state planning and budgeting.  
19

20 Ordered engrossed and placed on the Calendar for Third Reading and  
21 Final Passage.  
22

23  
24 **HB06-1217** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
25 Tapia, Keller, Owen--Concerning a supplemental  
26 appropriation to the department of health care policy and  
27 financing.  
28

29 Amendment No. 1, Appropriations Report, dated February 3, 2006, and  
30 placed in member's bill file; Report also printed in House Journal,  
31 February 3, page 193.  
32

33 As amended, ordered engrossed and placed on the Calendar for Third  
34 Reading and Final Passage.  
35

36  
37 **HB06-1218** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
38 Tapia, Keller, Owen--Concerning a supplemental  
39 appropriation to the department of higher education.  
40

41 Ordered engrossed and placed on the Calendar for Third Reading and  
42 Final Passage.  
43

44 **HB06-1219** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
45 Tapia, Keller, Owen--Concerning a supplemental  
46 appropriation to the department of human services.  
47

48 Amendment No. 1, Appropriations Report, dated February 3, 2006, and  
49 placed in member's bill file; Report also printed in House Journal,  
50 February 3, pages 193-194.  
51

52 As amended, ordered engrossed and placed on the Calendar for Third  
53 Reading and Final Passage.  
54

55

- 1 **HB06-1220** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
2 Tapia, Keller, Owen--Concerning a supplemental  
3 appropriation to the judicial department.  
4  
5 Ordered engrossed and placed on the Calendar for Third Reading and  
6 Final Passage.  
7  
8  
9 **HB06-1221** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
10 Tapia, Keller, Owen--Concerning a supplemental  
11 appropriation to the department of labor and employment.  
12  
13 Ordered engrossed and placed on the Calendar for Third Reading and  
14 Final Passage.  
15  
16  
17 **HB06-1222** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
18 Tapia, Keller, Owen--Concerning a supplemental  
19 appropriation to the department of law.  
20  
21 Ordered engrossed and placed on the Calendar for Third Reading and  
22 Final Passage.  
23  
24 **HB06-1223** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
25 Tapia, Keller, Owen--Concerning a supplemental  
26 appropriation to the department of legislature.  
27  
28 Ordered engrossed and placed on the Calendar for Third Reading and  
29 Final Passage.  
30  
31  
32 **HB06-1224** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
33 Tapia, Keller, Owen--Concerning a supplemental  
34 appropriation to the department of local affairs.  
35  
36 Ordered engrossed and placed on the Calendar for Third Reading and  
37 Final Passage.  
38  
39  
40 **HB06-1225** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
41 Tapia, Keller, Owen--Concerning a supplemental  
42 appropriation to the department of military and veterans  
43 affairs.  
44  
45 Ordered engrossed and placed on the Calendar for Third Reading and  
46 Final Passage.  
47  
48  
49 **HB06-1226** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
50 Tapia, Keller, Owen--Concerning a supplemental  
51 appropriation to the department of natural resources.  
52  
53 Ordered engrossed and placed on the Calendar for Third Reading and  
54 Final Passage.  
55

1 **HB06-1227** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
2 Tapia, Keller, Owen--Concerning a supplemental  
3 appropriation to the department of personnel and  
4 administration.

5  
6 Ordered engrossed and placed on the Calendar for Third Reading and  
7 Final Passage.

8  
9 **HB06-1228** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
10 Tapia, Keller, Owen--Concerning a supplemental  
11 appropriation to the department of public health and  
12 environment.

13  
14 Amendment No. 1, Appropriations Report, dated February 3, 2006, and  
15 placed in member's bill file; Report also printed in House Journal,  
16 February 3, pages 194-195.

17  
18 As amended, ordered engrossed and placed on the Calendar for Third  
19 Reading and Final Passage.

20  
21 **HB06-1229** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
22 Tapia, Keller, Owen--Concerning a supplemental  
23 appropriation to the department of public safety.

24  
25 Ordered engrossed and placed on the Calendar for Third Reading and  
26 Final Passage.

27  
28 **HB06-1230** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
29 Tapia, Keller, Owen--Concerning a supplemental  
30 appropriation to the department of regulatory agencies.

31  
32 Ordered engrossed and placed on the Calendar for Third Reading and  
33 Final Passage.

34  
35 **HB06-1231** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
36 Tapia, Keller, Owen--Concerning a supplemental  
37 appropriation to the department of revenue.

38  
39 Ordered engrossed and placed on the Calendar for Third Reading and  
40 Final Passage.

41  
42 **HB06-1232** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
43 Tapia, Keller, Owen--Concerning a supplemental  
44 appropriation to the department of state.

45  
46 Ordered engrossed and placed on the Calendar for Third Reading and  
47 Final Passage.

48  
49 **HB06-1233** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
50 Tapia, Keller, Owen--Concerning a supplemental  
51 appropriation to the department of transportation.

52  
53 Ordered engrossed and placed on the Calendar for Third Reading and  
54 Final Passage.

55

1 **HB06-1234** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
 2 Tapia, Keller, Owen--Concerning a supplemental  
 3 appropriation to the department of the treasury.  
 4

5 Ordered engrossed and placed on the Calendar for Third Reading and  
 6 Final Passage.  
 7

8 **HB06-1235** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
 9 Tapia, Keller, Owen--Concerning funding for capital  
 10 construction, and making supplemental appropriations in  
 11 connection therewith.  
 12

13 Ordered engrossed and placed on the Calendar for Third Reading and  
 14 Final Passage.  
 15

16 On motion of Representative Madden, the remainder of the General  
 17 Orders Calendar (**HB06-1156, 1188, 1175, 1141, 1081, 1104, 1152**  
 18 **amended, 1125, 1028, 1054, 1088, 1148, 1153, 1053, 1139, 1143, 1007,**  
 19 **1035, 1084**) was laid over until February 9, retaining place on Calendar.  
 20

#### 21 22 23 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

24  
25 Representatives King, Knoedler, and Larson moved to amend the Report  
 26 of the Committee of the Whole to show that the following King, Penry  
 27 amendment to HB06-1233, did pass, and that HB06-1233, as amended,  
 28 did pass.  
 29

30 Amend printed bill, page 6, line 3, in the TOTAL column, strike  
 31 "784,976,117" and substitute "~~784,976,117~~";  
 32

33 after line 3, in the TOTAL column, insert "864,976,117" and, in the  
 34 GENERAL FUND column, insert "80,000,000".  
 35

36 Page 7, line 8, in the TOTAL column, strike "\$820,376,668" and  
 37 substitute "\$900,376,668" and, in the GENERAL FUND column, insert  
 38 "\$80,000,000".  
 39

40 The amendment was declared **lost** by the following roll call vote:  
 41

	YES	29	NO	36	EXCUSED	00	ABSENT	00
43	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
44	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
45	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
46	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
47	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
48	Buescher	N	Green	N	Marshall	N	Solano	N
49	Butcher	N	Hall	N	Massey	Y	Soper	N
50	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
51	Carroll M	N	Hefley	Y	McCluskey	Y	Stengel	Y
52	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
53	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
54	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
55	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
56	Coleman	N	Kerr	Y	Paccione	N	Welker	Y

1	Crane	Y	King	Y	Penry	Y	White	Y
2	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
3							Speaker	N

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### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

9 Passed Second Reading: **HB06-1213, 1214, 1215, 1216, 1217 amended, 1218, 1219 amended, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228 amended, 1229, 1230, 1231, 1232, 1233, 1234, 1235.**

13 Laid over until date indicated retaining place on Calendar: **HB06-1156, 1188, 1175, 1141, 1081, 1104, 1152 amended, 1125, 1028, 1054, 1088, 1148, 1153, 1053, 1139, 1143, 1007, 1035, 1084**--February 9, 2006.

17 The Chairman moved the adoption of the Committee of the Whole Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report was **adopted.**

22	YES	65	NO	00	EXCUSED	00	ABSENT	00
23	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
24	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
25	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
26	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
27	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
28	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
29	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
30	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
31	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
32	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
33	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
34	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
35	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
36	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
37	Crane	Y	King	Y	Penry	Y	White	Y
38	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
39							Speaker	Y

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### DEMAND ON HB06-1029

45 Pursuant to House Rule 30 (a), Representative Stengel placed a Demand on HB06-1029 now in the Committee on Health & Human Services.

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51 House in recess. House reconvened.

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1 The Demand was declared **lost** by the following roll call vote:  
2

	YES	30	NO	35	EXCUSED	00	ABSENT	00
4	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
5	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
6	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
7	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
8	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
9	Buescher	N	Green	N	Marshall	N	Solano	N
10	Butcher	N	Hall	Y	Massey	Y	Soper	N
11	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
12	Carroll M	N	Hefley	Y	McCluskey	Y	Stengel	Y
13	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
14	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
15	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
16	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
17	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
18	Crane	Y	King	Y	Penry	Y	White	Y
19	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
20							Speaker	N

21  
22  
23  
24  
25 **REPORTS OF COMMITTEES OF REFERENCE**

26  
27 **EDUCATION**

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

30  
31 **HB06-1034** be postponed indefinitely.

32  
33  
34 **HB06-1064** be postponed indefinitely.

35  
36  
37 **HB06-1158** be amended as follows, and as so amended, be referred to  
38 the Committee on Business Affairs & Labor with  
39 favorable recommendation:

40  
41 Amend printed bill, page 4, line 25, strike "MAKE THE NECESSARY" and  
42 substitute "CONDUCT THE NECESSARY PLAN REVIEWS AND".

43  
44 Page 5, line 2, strike "THAT" and substitute "THAT, AT THE REQUEST OF  
45 THE AFFECTED BOARD OF EDUCATION, THE STATE CHARTER SCHOOL  
46 INSTITUTE CREATED IN SECTION 22-30.5-503, OR THE CHARTER SCHOOL,";

47  
48 strike lines 3 and 4 and substitute the following:

49  
50 "~~appropriate building department of a county, town, city, or city and~~  
51 ~~county wherein a~~ AND FIRE DEPARTMENT, AS DEFINED IN SECTION  
52 24-33.5-1202, C.R.S., IN THE LOCATION OF THE building or";

53  
54 line 5, strike "structure has been" and substitute "structure. ~~has been~~";

55  
56 line 8, strike "CONSTRUCTED AT THE REQUEST";

- 1 strike line 9;
- 2
- 3 line 10, strike "INSTITUTE CREATED PURSUANT TO SECTION 22-30.5-503.";
- 4
- 5 line 12, before "ADOPTED", insert "AND STANDARDS";
- 6
- 7 line 16, after "such", insert "PLAN REVIEWS AND";
- 8 line 21, after "AUTHORIZES", insert "PLAN REVIEWS AND";
- 9
- 10 line 22, strike "OR" and substitute "AND" and, after "THE", insert "PLAN
- 11 REVIEWS AND";
- 12
- 13 line 23, after "any", insert "PLAN REVIEWS AND";
- 14
- 15 line 25, after "THE", insert "PLAN REVIEWS AND";
- 16
- 17 line 26, strike "BUILDING DEPARTMENT OR";
- 18
- 19 strike line 27 and substitute the following:
- 20
- 21 "~~county, town, city, or city and county agency~~ BUILDING DEPARTMENT OR
- 22 FIRE DEPARTMENT".
- 23
- 24 Page 6, line 9, after "CONDUCT", insert "PLAN REVIEWS AND".
- 25
- 26 Page 7, line 16, strike "STANDARDS OF" and substitute "CODES OR
- 27 STANDARDS ADOPTED BY";
- 28
- 29 line 18, strike "INSPECTION";
- 30
- 31 line 23, strike "district OR AN INSTITUTE CHARTER SCHOOL" and substitute
- 32 "district, AN INSTITUTE CHARTER SCHOOL, OR A CHARTER SCHOOL";
- 33
- 34 line 26, after "code", insert "AND STANDARDS".
- 35
- 36 Page 8, line 8, strike "**inspection**";
- 37
- 38 line 10, strike "INSPECTION";
- 39
- 40 line 16, strike "INSPECTION" and, strike "FIVE" and substitute "SIX";
- 41
- 42 line 26, strike "COLORADO MUNICIPAL";
- 43
- 44 line 27, strike "LEAGUE," and substitute "ROCKY MOUNTAIN CHAPTER OF
- 45 THE COUNCIL FOR EDUCATIONAL FACILITIES PLANNERS INTERNATIONAL,".
- 46
- 47 Page 9, line 7, strike "TWO MEMBERS " and substitute "THREE MEMBERS";
- 48
- 49 line 16, after "INSTITUTE," insert "A CHARTER SCHOOL,";
- 50
- 51 line 18, strike "AN" and substitute "A PLAN REVIEW OR".
- 52
- 53 Page 11, line 12, strike "MAKE THE NECESSARY" and substitute "CONDUCT
- 54 THE NECESSARY PLAN REVIEWS AND";
- 55
- 56 line 15, after "CODES", insert "AND STANDARDS";



- 1 line 17, strike "OR FIRE";  
2  
3 strike line 18 and substitute the following:  
4  
5 ~~"of a county, town, city, or city and county wherein a~~ AND FIRE  
6 DEPARTMENT, AS DEFINED IN SECTION 24-33.5-1202, C.R.S., IN THE  
7 LOCATION OF";  
8  
9 line 19, strike "WHICH" and, strike "structure has been" and substitute  
10 "structure. ~~has been~~";  
11  
12 line 23, strike "CONSTRUCTED." and, strike "conformity," and substitute  
13 "conformity WITH THE BUILDING AND FIRE CODES AND STANDARDS  
14 ADOPTED BY THE DIRECTOR OF THE DIVISION,";  
15  
16 line 24, strike "DIVISION" and substitute "DIVISION, AFTER CONSULTING  
17 WITH THE AFFECTED FIRE DEPARTMENT,";  
18  
19 line 27, before "INSPECTIONS", insert "PLAN REVIEWS AND".  
20  
21 Page 12, line 4, after "AUTHORIZES", insert "PLAN REVIEWS AND";  
22  
23 line 5, after "THE", insert "PLAN REVIEWS AND" and, after "any", insert  
24 "PLAN REVIEWS AND";  
25  
26 line 8, after "THE", insert "PLAN REVIEWS AND";  
27  
28 line 9, strike "BUILDING DEPARTMENT OR FIRE";  
29  
30 strike line 10 and substitute the following:  
31  
32 ~~"county, town, city, or city and county agency~~ BUILDING DEPARTMENT OR  
33 FIRE DEPARTMENT does";  
34  
35 line 11, after "the", insert "PLAN REVIEWS AND";  
36  
37 line 19, after "CONDUCT", insert "PLAN REVIEWS AND";  
38  
39 line 24, after "code", insert "AND STANDARDS".  
40  
41 Page 13, line 12, before "STANDARDS", insert "CODES AND";  
42  
43 line 13, strike "INSPECTION";  
44  
45 line 16, strike "INSPECTION" and substitute "PLAN REVIEWS AND  
46 INSPECTIONS";  
47  
48 line 19, after "CODES", insert "AND STANDARDS";  
49  
50 line 23, before "INSPECTION.", insert "PLAN REVIEW AND".  
51  
52 Page 16, line 13, after "BUILDING", insert "PLAN REVIEW OR";  
53  
54 line 18, after "SAFETY", insert "PLAN REVIEW OR INSPECTION";  
55  
56 line 20, after "SAFETY", insert "PLAN REVIEWS AND";

1 after line 21, insert the following:

2

3 "(3.5) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE  
4 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND  
5 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR  
6 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION."  
7

8 Page 17, line 10, strike "INSPECT" and substitute "CONDUCT  
9 CONSTRUCTION PLAN REVIEWS AND INSPECT";

10

11 line 11, strike the second "OR" and substitute "AND".

12

13 Page 19, line 14, strike "INSPECTOR" and substitute "OR BUILDING CODE";

14

15 line 15, after "DIVISION;", insert "OR";

16

17 line 17, strike "INSPECTOR";

18

19 line 25, after "SAFETY", insert "PLAN REVIEWS AND".

20

21 Page 20, line 7, after "BUILDING", insert "PLAN REVIEW OR";

22

23 line 12, strike "NOT";

24

25 line 13, strike "TO EXCEED TWENTY-FIVE DOLLARS".

26

27

28

29

### 30 **JUDICIARY**

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

33

34 **HB06-1076** be amended as follows, and as so amended, be referred to  
35 the Committee of the Whole with favorable  
36 recommendation:

37

38 Amend printed bill, page 2, strike lines 20 through 24.

39

40 Page 3, strike lines 1 through 4;

41

42 Reletter succeeding sub-subparagraphs accordingly.

43

44 Page 3, line 22, after "HOSPITAL;", add "AND";

45

46 strike lines 23 through 27.

47

48 Page 4, strike lines 1 through 13.

49

50 Reletter succeeding sub-subparagraphs accordingly.

51

52 Page 4, line 18, strike "HOSPITAL;" and substitute "HOSPITAL.";

53

54 strike lines 19 through 27.

55

56 Page 5, strike lines 1 through 26.

1 Page 6, strike lines 18 through 23 and substitute the following:

2

3 "(b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II)  
4 OF THIS PARAGRAPH (b), nothing in this section shall be construed to bar  
5 any cause of action against a nonprofit organization, nonprofit  
6 corporation, or hospital or change the liability otherwise provided by law  
7 of a nonprofit organization, nonprofit corporation, or hospital arising out  
8 of an act or omission of a volunteer exempt from liability for negligence  
9 under this section.

10

11 (II) A NONPROFIT ORGANIZATION, NONPROFIT CORPORATION, OR  
12 HOSPITAL THAT IS FORMED FOR THE SOLE PURPOSE OF FACILITATING THE  
13 VOLUNTEER PROVISION OF HEALTH CARE SHALL BE IMMUNE FROM  
14 LIABILITY ARISING OUT OF AN ACT OR OMISSION OF A VOLUNTEER EXEMPT  
15 FROM LIABILITY FOR NEGLIGENCE UNDER THIS SECTION."

16

17

18

19 **HB06-1110** be postponed indefinitely.

20

21

22 **HB06-1171** be amended as follows, and as so amended, be referred to  
23 the Committee on Finance with favorable  
24 recommendation:

25

26 Amend printed bill, page 2, line 20, after "42-2-126", insert "(6) (b) (IX)  
27 (A.5) and", and strike "is" and substitute "are";

28

29 strike line 23 and substitute the following:

30

31 "**determination.** (6) (b) (IX) (A.5) A person whose license is revoked  
32 for a first offense under subparagraph (I) of paragraph (a) of subsection  
33 (2) of this section may request that, in lieu of the three-month revocation,  
34 the person's license be revoked for a period of not less than thirty days,  
35 to be followed by a suspension period of such length that the total period  
36 of revocation and suspension equals six months; EXCEPT THAT THE  
37 PROVISIONS OF THIS SUB-SUBPARAGRAPH (A.5) SHALL NOT APPLY TO A  
38 PERSON WHO IS A PERSISTENT DRUNK DRIVER AS DEFINED IN SECTION  
39 42-1-102 (68.5). If the hearing officer approves the request, the hearing  
40 officer may grant the person a probationary license that may be used only  
41 for the reasons provided in section 42-2-127 (14) (a).

42

43 (7) (c) (II) If the person was determined to be in".

44

45 Page 3, after line 11, insert the following:

46

47 "**SECTION 3.** 42-2-127 (14) (a), Colorado Revised Statutes, is  
48 amended to read:

49

50 **42-2-127. Authority to suspend license - to deny license - type**  
51 **of conviction - points.** (14) (a) (I) If there is no other statutory reason  
52 for denial of a probationary license, any individual who has had a license  
53 suspended by the department because of, at least in part, a conviction of  
54 an offense specified in paragraph (b) of subsection (5) of this section may  
55 be entitled to a probationary license pursuant to subsection (12) of this  
56 section for the purpose of driving for reasons of employment, education,

1 health, or alcohol and drug education or treatment, but: ~~such individual~~

2

3 (A) If ordered by the court ~~which~~ THAT convicted the individual,  
4 THE INDIVIDUAL shall be enrolled in a program of driving education or  
5 alcohol and drug education and treatment certified by the division of  
6 alcohol and drug abuse in the department of human services; AND

7

8 (B) IF THE INDIVIDUAL IS A PERSISTENT DRUNK DRIVER, AS  
9 DEFINED IN SECTION 42-1-102 (68.5), ANY PROBATIONARY LICENSE SHALL  
10 REQUIRE THE USE OF AN APPROVED IGNITION INTERLOCK DEVICE, AS  
11 DEFINED IN SECTION 42-2-132.5 (7) (a), AND THE TIME THAT THE  
12 INDIVIDUAL HOLDS A PROBATIONARY LICENSE UNDER THIS SECTION SHALL  
13 NOT BE CREDITED AGAINST THE TIME THAT THE INDIVIDUAL MAY BE  
14 REQUIRED TO HOLD A RESTRICTED LICENSE PURSUANT TO SECTION  
15 42-2-132.5.

16

17 (II) ~~Such~~ A probationary license ISSUED PURSUANT TO THIS  
18 SUBSECTION (14) shall contain any other restrictions as the department  
19 deems reasonable and necessary, shall be subject to cancellation for  
20 violation of any such restrictions, including BUT NOT LIMITED TO absences  
21 from alcohol and drug education or treatment sessions or failure to  
22 complete alcohol and drug education or treatment programs, and shall be  
23 issued for the entire period of suspension.

24

25 **SECTION 4.** 42-2-116 (6) (b) and (8), Colorado Revised  
26 Statutes, are amended to read:

27

28 **42-2-116. Restricted license.** (6) (b) Any person whose  
29 privilege to drive is restricted to the operation of a motor vehicle ~~in which~~  
30 EQUIPPED WITH an approved ignition interlock device ~~is installed pursuant~~  
31 ~~to section 42-2-132.5~~ AS DEFINED IN SECTION 42-2-132.5 (7) (a), who  
32 operates a motor vehicle other than a motor vehicle ~~in which~~ EQUIPPED  
33 WITH an approved ignition interlock device ~~is installed~~ or who  
34 circumvents or attempts to circumvent the proper use of an approved  
35 ignition interlock device commits a class 1 traffic misdemeanor.

36

37 (8) No court shall accept a plea of guilty to another offense from  
38 a person charged with a violation of subsection ~~(6) (a)~~ (6) (b) of this  
39 section; except that the court may accept a plea of guilty to another  
40 offense upon a good faith representation by the prosecuting attorney that  
41 the attorney could not establish a prima facie case if the defendant were  
42 brought to trial on the offense."

43

44 Renumber succeeding sections accordingly.

45

46 Page 4, strike lines 5 and 6 and substitute the following:

47

48 "(b.5) ANY PERSON WHOSE LICENSE HAS BEEN REVOKED PURSUANT  
49 TO THE PROVISIONS OF SECTION 42-2-126 WHEN THE PERSON'S";

50

51 line 15, strike "THE" and substitute "AS SOON AS A PERSON MEETS THE  
52 CONDITIONS OF SUBSECTION (1) OF THIS SECTION, THE";

53

54 strike lines 18 and 19 and substitute the following:

55

56 "IGNITION INTERLOCK DEVICE. A PERSON WHOSE DRIVING RECORD

1 CONTAINS THE NOTATION REQUIRED BY THIS SUBSECTION (1.8) SHALL NOT  
2 OPERATE A MOTOR".

3

4 Page 6, line 4, strike "SURCHARGE." and substitute "SURCHARGE; EXCEPT  
5 THAT THE COURT MAY SUSPEND OR WAIVE THE SURCHARGE FOR A  
6 DEFENDANT DETERMINED BY THE COURT TO BE INDIGENT.".

7

8 Page 7, line 17, strike "July 1, 2006," and substitute "January 1, 2007,".

9

10

11

12

13 **LOCAL GOVERNMENT**

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

16

17 **HB06-1085** be amended as follows, and as so amended, be referred to  
18 the Committee on Appropriations with favorable  
19 recommendation:

20

21 Amend printed bill, page 3, strike lines 9 through 12 and substitute the  
22 following:

23

24 "(a) TO PROVIDE EDUCATION AND TRAINING TO MANUFACTURERS,  
25 DEALERS, INSTALLERS, BUILDING DEPARTMENT EMPLOYEES, ELECTED  
26 OFFICIALS, AND, AS APPROPRIATE, OTHER PERSONS AFFECTED BY THE  
27 MOBILE, MANUFACTURED, AND FACTORY-BUILT STRUCTURES INDUSTRY  
28 REGARDING THE BUILDING CODES AND STATE PROGRAM REQUIREMENTS  
29 APPLICABLE TO MOBILE, MANUFACTURED, AND FACTORY-BUILT  
30 STRUCTURES WITHIN THE STATE;"

31

32 line 15, strike "MANUFACTURED HOME;" and substitute "MOBILE HOME,  
33 MANUFACTURED HOME, OR FACTORY-BUILT STRUCTURE;"

34

35 strike lines 17 through 20 and substitute the following:

36

37 "(c) TO PROVIDE EDUCATION AND GRANTS THAT WILL HELP  
38 MANUFACTURERS, DEALERS, INSTALLERS, OWNERS, AND, AS APPROPRIATE,  
39 OTHER PARTIES AFFECTED BY THE MOBILE, MANUFACTURED, AND  
40 FACTORY-BUILT STRUCTURES INDUSTRY ADDRESS SAFETY ISSUES THAT  
41 AFFECT MOBILE, MANUFACTURED, AND FACTORY-BUILT STRUCTURES."

42

43

44

45 **HB06-1155** be postponed indefinitely.

46

47

48 **HB06-1159** be amended as follows, and as so amended, be referred to  
49 the Committee of the Whole with favorable  
50 recommendation:

51

52 Amend printed bill, page 2, strike line 3 and substitute the following:

53

54 "amended, and the said 31-12-106 is further amended BY THE  
55 ADDITION OF A NEW SUBSECTION, to read:"

56

1 strike lines 16 through 24 and substitute the following:

2  
3  
4  
5  
6  
7  
8  
9

"(b) IN THE CASE OF AN ENCLAVE THE POPULATION OF WHICH EXCEEDS ONE HUNDRED PERSONS ACCORDING TO THE MOST RECENT UNITED STATES CENSUS AND THAT CONTAINS MORE THAN FIFTY ACRES, THE ENCLAVE SHALL NOT BE ANNEXED PURSUANT TO SUBSECTION (1) OF THIS SECTION UNLESS THE GOVERNING BODY OF THE ANNEXING MUNICIPALITY HAS:

10 (I) CREATED AN ANNEXATION TRANSITION COMMITTEE COMPOSED  
11 OF NINE MEMBERS, FIVE OF WHOM SHALL RESIDE, OPERATE A BUSINESS, OR  
12 OWN REAL PROPERTY WITHIN THE ENCLAVE, TWO OF WHOM SHALL  
13 REPRESENT THE ANNEXING MUNICIPALITY, AND TWO OF WHOM SHALL  
14 REPRESENT ONE OR MORE COUNTIES IN WHICH THE ENCLAVE IS SITUATED;  
15 AND

16  
17 (II) PUBLISHED NOTICE OF THE CREATION AND EXISTENCE OF THE  
18 COMMITTEE, TOGETHER WITH ITS REGULAR MAIL, ELECTRONIC MAIL, OR  
19 TELEPHONIC CONTACT INFORMATION, IN THE SAME MANNER AS PROVIDED  
20 BY SECTION 31-12-108 (2) FOR NOTICES OF ANNEXATION PETITIONS AND  
21 RESOLUTIONS INITIATING ANNEXATION PROCEEDINGS.

22  
23 (c) THE DUTIES OF THE ANNEXATION TRANSITION COMMITTEE  
24 REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1.1) SHALL BE TO:

25  
26 (I) SERVE AS A MEANS OF COMMUNICATION BETWEEN OR AMONG  
27 THE ANNEXING MUNICIPALITY, ONE OR MORE COUNTIES WITHIN WHICH THE  
28 ENCLAVE IS SITUATED, AND THE PERSONS WHO RESIDE, OPERATE A  
29 BUSINESS, OR OWN REAL PROPERTY WITHIN THE ENCLAVE REGARDING ANY  
30 PUBLIC MEETINGS ON THE PROPOSED ANNEXATION; AND

31  
32 (II) PROVIDE A MECHANISM BY WHICH PERSONS WHO RESIDE,  
33 OPERATE A BUSINESS, OR OWN REAL PROPERTY WITHIN THE ENCLAVE MAY  
34 COMMUNICATE, WHETHER BY ELECTRONIC MAIL, TELEPHONIC  
35 COMMUNICATION, REGULAR MAIL, OR PUBLIC MEETINGS, WITH THE  
36 ANNEXING MUNICIPALITY OR ANY COUNTIES WITHIN WHICH THE ENCLAVE  
37 IS SITUATED REGARDING THE PROPOSED ANNEXATION.

38  
39 (5) ANY MUNICIPALITY THAT HAS ENTERED INTO AN  
40 INTERGOVERNMENTAL AGREEMENT, ANY PORTION OF WHICH ADDRESSES  
41 ISSUES PERTAINING TO THE ANNEXATION OF ENCLAVES SHALL, PROMPTLY  
42 UPON EXECUTION OF THE AGREEMENT, RECORD THE AGREEMENT WITH THE  
43 CLERK AND RECORDER OF ANY COUNTY WITHIN WHICH ANY LAND AREA  
44 ADDRESSED IN THE AGREEMENT IS SITUATED."

45  
46 Page 3, strike lines 1 through 11.

47  
48  
49

50 **HB06-1165** be amended as follows, and as so amended, be referred to  
51 the Committee of the Whole with favorable  
52 recommendation:

53  
54  
55  
56

Amend printed bill, page 2, line 9, after the period, add "THE DISTRICT SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND

1 THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC UTILITIES  
2 COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.";

3  
4 line 19, after the period, add "THE DISTRICT SHALL CONSTRUCT,  
5 MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH  
6 THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF  
7 SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO  
8 SECTION 40-29-110, C.R.S.".

9  
10 Page 3, line 5, after the period, add "THE GOVERNING BODY OF THE  
11 MUNICIPALITY SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE SAFETY  
12 MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106,  
13 C.R.S., AND THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC  
14 UTILITIES COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.";

15  
16 line 15, after the period, add "THE DISTRICT SHALL CONSTRUCT,  
17 MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH  
18 THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF  
19 SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO  
20 SECTION 40-29-110, C.R.S.".

21  
22  
23

24 **HB06-1181** be referred to the Committee of the Whole with favorable  
25 recommendation.

26  
27

28 **HB06-1183** be amended as follows, and as so amended, be referred to  
29 the Committee of the Whole with favorable  
30 recommendation:

31  
32

Amend printed bill, page 2, before line 1, insert the following:

33  
34

"SECTION 1. 38-53-104 (1) (a) and (1) (b), Colorado Revised  
35 Statutes, are amended to read:

36  
37

**38-53-104. Filing of monument record required.** (1) (a) If a  
38 professional land surveyor conducts a survey ~~which~~ THAT uses any  
39 MONUMENT REPRESENTING A public land survey monument LOCATION,  
40 QUARTER SECTION CORNER, SIXTEENTH SECTION CORNER, GOVERNMENT  
41 LAND OFFICE OR BUREAU OF LAND MANAGEMENT (GOVERNMENT) LOT  
42 CORNER AS DEFINED BY THE NOMENCLATURE OF THE UNITED STATES  
43 PUBLIC LAND SURVEY SYSTEM, or any United States geological survey or  
44 United States coast and geodetic survey (also known as the national ocean  
45 service/national geodetic survey) monument as a control corner, such  
46 professional land surveyor shall file a monument record describing such  
47 monument with the board if the monument and its accessories are not  
48 substantially described in an existing monument record previously filed  
49 pursuant to this section or its predecessor.

50  
51

(b) If a professional land surveyor establishes, restores, or  
52 rehabilitates any public land survey monument CORNER LOCATION or  
53 section corner, quarter section corner, or sixteenth section corner as  
54 defined by the nomenclature of the United States public land survey  
55 system, such professional land surveyor shall file a monument record."

56

1 Renumber succeeding sections accordingly.

2

3 Page 2, strike lines 8 through 11 and substitute the following:

4

5 "~~monument is a public land survey monument or aliquot corner, the~~  
 6 ~~professional land surveyor shall describe the physical evidence used to~~  
 7 ~~establish or restore the monument.~~ MARKS THE LOCATION OF A LOST OR  
 8 OBLITERATED PUBLIC LAND SURVEY MONUMENT THAT WAS RESTORED AS  
 9 A PART OF THE SURVEY ON WHICH THE PLAT IS BASED, THE PROFESSIONAL  
 10 LAND SURVEYOR SHALL BRIEFLY DESCRIBE THE EVIDENCE AND THE  
 11 PROCEDURE USED FOR SUCH RESTORATION. IF ANY SUCH BOUNDARY  
 12 MONUMENT OR CONTROL MONUMENT MARKS THE LOCATION OF A QUARTER  
 13 SECTION CORNER OR SIXTEENTH SECTION CORNER THAT WAS ESTABLISHED  
 14 AS A PART OF THE SURVEY, THE PROFESSIONAL LAND SURVEYOR SHALL  
 15 BRIEFLY DESCRIBE THE EVIDENCE AND PROCEDURE USED FOR SUCH  
 16 ESTABLISHMENT, UNLESS THE CORNER LOCATION WAS ESTABLISHED BY  
 17 THE MATHEMATICAL PROCEDURE AS OUTLINED IN SECTION 38-51-103.".

18

19

20

21

22 **STATE, VETERANS, & MILITARY AFFAIRS**

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

25

26 **HB06-1010** be referred to the Committee of the Whole with favorable  
 27 recommendation.

28

29

30

31

32 **PRINTING REPORT**

33

34 The Chief Clerk reports the following bills have been correctly printed:  
 35 **HB06-1318, 1319.**

36

37

38

39

40 House in recess. House reconvened.

41

42

43

44

45 **MESSAGE FROM THE SENATE**

46

47 The Senate has passed on Third Reading and transmitted to the Revisor  
 48 of Statutes: SB06-094,

49

50 SB06-97, amended as printed in Senate Journal, February 7, 2006,  
 51 page 145,

52

53 SB06-127, amended as printed in Senate Journal, February 7, 2006,  
 54 page 145 and Senate Journal, February 8, 2006,  
 55 pages 154-155.

56



**MESSAGE FROM THE REVISOR**

1  
2  
3 We herewith transmit:  
4 Without comment, SB06-94.  
5 Without comment, as amended, SB06-97 and 127.  
6

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7  
8  
9 **INTRODUCTION OF BILLS**  
10 **First Reading**

11  
12 The following bills were read by title and referred to the committees  
13 indicated:

14  
15 **HB06-1320** by Representative(s) Hefley, McGihon, Carroll T., Clapp,  
16 Decker, Gardner, Jahn; also Senator(s) Grossman--  
17 Concerning the promotion of the lottery by the state  
18 lottery division director.  
19 Committee on Finance  
20

21 **HB06-1321** by Representative(s) Jahn, Marshall--Concerning a  
22 shortened period for completion of sunrise review reports  
23 by the department of regulatory agencies.  
24 Committee on Business Affairs and Labor  
25

26 **HB06-1322** by Representative(s) Buescher; also Senator(s) Tapia--  
27 Concerning support for the development of clean energy  
28 resources using proceeds of the operational account of the  
29 severance tax trust fund.  
30 Committee on Finance  
31

32 **HB06-1323** by Representative(s) Marshall, Massey; also Senator(s)  
33 Kester--Concerning fraud in the mortgage lending process,  
34 and, in connection therewith, imposing a minimum fine,  
35 limiting plea bargains, and giving the attorney general  
36 concurrent jurisdiction.  
37 Committee on Judiciary  
38

39 **SB06-094** by Senator(s) Spence; also Representative(s) Lindstrom--  
40 Concerning the regulation of motor carriers by the public  
41 utilities commission.  
42 Committee on Transportation & Energy  
43

44 **SB06-097** by Senator(s) Williams, Kester, Johnson, Evans, Shaffer;  
45 also Representative(s) Berens, Todd, Green, Decker,  
46 Sullivan--Concerning reports related to incidents at  
47 licensed long-term care facilities.  
48 Committee on Health and Human Services  
49

50 **SB06-127** by Senator(s) Sandoval; also Representative(s) Madden--  
51 Concerning the provision of fresh produce in public  
52 schools.  
53 Committee on Education  
54  
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**LAY OVER OF CALENDAR ITEMS**

On motion of Representative Garcia, the following items on the Calendar were laid over until February 9, retaining place on Calendar:

Consideration of Resolutions--**HJR06-1009, SJR06-002, HJR06-1012.**  
Consideration of Senate Amendments--**HB06-1012.**

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On motion of Representative Solano, the House adjourned until 9:00 a.m., February 9, 2006.

Approved:  
ANDREW ROMANOFF,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk