

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

Ninetieth Legislative Day

Monday, April 10, 2006

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by the 3rd grade class from St. Anne's Episcopal
6 School, Denver.

7

8 The roll was called with the following result:

9

10 Present--59.

11 Excused--Representatives Butcher, King, Penry, Vigil--4.

12 Absent--Representatives Paccione, Welker--2.

13 Present after roll call--Representatives King, Paccione, Penry,
14 Vigil, Welker.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Solano, the reading of the journal of
20 April 7, 2006, was declared dispensed with and approved as corrected by
21 the Chief Clerk.

22

23

24

25

THIRD READING OF BILL--FINAL PASSAGE

26

27 The following bill was considered on Third Reading. The title was
28 publicly read. Reading of the bill at length was dispensed with by
29 unanimous consent.

30

31 **SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--
32 Concerning title 7 of the Colorado Revised Statutes.

33

34 Pursuant to Joint Rule 26, Representative Witwer moved the following
35 correction to SB06-187 and moved for repassage of the bill as so
36 amended:

37

38 **Revisor's amendment No. 1**, by Representative Witwer.

39

40 Amend rerevised bill, page 66, line 17, strike "57, and 58" and substitute
41 "57, 58, 88, and 89".

42

43 The question being "Shall the bill, as amended, be repassed?".

44 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the
2 bill, as amended, was declared **repassed**.

	YES	64	NO	00	EXCUSED	01	ABSENT	00
5	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
6	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
7	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
8	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
9	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
10	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
11	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
12	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
13	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
14	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
15	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
16	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
17	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
18	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
19	Curry	Y	King	Y	Penry	Y	White	Y
20	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
21							Speaker	Y

24 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

26 **HB06-1375** by Representative(s) Pommer; also Senator(s) Windels--
27 Concerning the financing of public schools, and making an
28 appropriation therefor.

30 (Amended as printed in Senate Journal, April 4, pages 749-752 and on
31 April 5, as printed in Senate Journal.)

33 Representative Pommer moved that the House **not concur** in Senate
34 amendments and that a Conference Committee be appointed with
35 permission to go beyond the scope of the difference between the House
36 and the Senate was passed by the following roll call vote:

	YES	62	NO	01	EXCUSED	01	ABSENT	01
38	Balmer	-	Frangas	Y	Larson	Y	Pommer	Y
39	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
40	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
41	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	Y
42	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
43	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
44	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
45	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
46	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
47	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
48	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
49	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
50	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
51	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
52	Curry	Y	King	Y	Penry	Y	White	Y
53	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
54							Speaker	Y

55 The Speaker appointed Representatives Pommer, Chairman, Merrifield
56 and King as House conferees to the bill.

1 **HB06-1385** by Representative(s) Plant, Buescher, Hall; also Senator(s)
 2 Tapia, Keller, Owen--Concerning the provision for
 3 payment of the expenses of the executive, legislative, and
 4 judicial departments of the state of Colorado, and of its
 5 agencies and institutions, for and during the fiscal year
 6 beginning July 1, 2006, except as otherwise noted.

7
 8 (Amended as printed in Senate Journal, April 5, pages 762 and 771-777,
 9 as printed in Senate Journal.)

10
 11 Representative Plant moved that the House **not concur** in Senate
 12 amendments and that a Conference Committee be appointed with
 13 permission to go beyond the scope of the difference between the House
 14 and the Senate was **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
Butcher	E	Hall	Y	Marshall	Y	Solano	Y
Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
Curry	Y	King	Y	Penry	Y	White	Y
Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
						Speaker	Y

33
 34 The Speaker appointed Representatives Plant, Chairman, Buescher and
 35 Hall as House conferees to the bill.

36
 37
 38
 39 **MESSAGE FROM THE SENATE**

40
 41 The Senate has adopted and transmits herewith: SJR06-023.

42
 43
 44
 45 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

46
 47 **SJR06-023** by Senator(s) Tochtrop, Lamborn; also Representative(s)
 48 Garcia--Concerning remembrance of the Armenian
 49 Genocide on April 24, 2006, and every April 24 hereafter,
 50 as "Colorado Day of Remembrance of the Armenian
 51 Genocide".

52
 53 (Printed and placed in members file.)

54
 55 On motion of Representative Garcia, the rules were suspended and the
 56 resolution given immediate consideration.

1 On motion of Representative Garcia, the resolution was **adopted** by **viva**
2 **voce** vote.

3
4 Co-sponsors added: Roll Call of the House.

5
6
7
8 **THIRD READING OF BILLS--FINAL PASSAGE**
9

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

13
14 **SB06-051** by Senator(s) Tupa; also Representative(s) Weissmann--
15 Concerning benefits that may be accepted by certain public
16 officials, and, in connection therewith, prohibiting certain
17 public officials from accepting monetary gifts.

18
19 As shown by the following roll call vote, a majority of all members
20 elected to the House voted in the affirmative, and Representative
21 Weissmann was given permission to offer a Third Reading amendment:

	YES	63	NO	01	EXCUSED	01	ABSENT	00
24	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
25	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
26	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
27	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
28	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
29	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
30	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
31	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
32	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
33	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
34	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
35	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
36	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
37	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
38	Curry	Y	King	Y	Penry	Y	White	Y
39	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
40							Speaker	Y

41
42 **Third Reading amendment No. 1**, by Representative Weissmann.

43
44 Amend revised bill, page 2, line 13, before "the", insert "(3) (b),".

45
46 Page 3, after line 23, insert the following:

47
48 "(b) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3.5) OF THIS
49 SECTION, any gift of any item of real or personal property, other than
50 money, with a value of fifty dollars or more;".

51
52 The amendment was declared **passed** by the following roll call vote:

	YES	64	NO	00	EXCUSED	01	ABSENT	00
55	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
56	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y

1	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
2	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
3	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
4	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
5	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
6	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
7	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
8	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
9	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
10	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
11	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
12	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
13	Curry	Y	King	Y	Penry	Y	White	Y
14	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
15							Speaker	Y

16

17 As shown by the following roll call vote, a majority of all members
 18 elected to the House voted in the affirmative, and Representative Larson
 19 was given permission to offer a Third Reading amendment:

20

21	YES	58	NO	05	EXCUSED	01	ABSENT	01
22	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
23	Benefeld	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
24	Berens	Y	Garcia	Y	Liston	Y	Riesberg	N
25	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	Y
26	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
27	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
28	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
29	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
30	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
31	Cerbo	N	Hoppe	Y	McFadyen	Y	Sullivan	Y
32	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
33	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
34	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
35	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
36	Curry	Y	King	Y	Penry	N	White	Y
37	Decker	-	Knoedler	Y	Plant	Y	Witwer	N
38							Speaker	Y

39

40 **Third Reading amendment No. 2**, by Representative Larson.

41

42 Amend revised bill, page 2, line 13, after "(a)", insert "(3) (d)".

43

44 Page 3, before line 24, insert the following:

45

46 "(d) ~~Any payment for a speech, appearance, or publication;~~".

47

48 Page 4, line 5, strike "CANDIDATE;" and substitute "CANDIDATE, OR ANY
 49 PAYMENT FOR A SPEECH, APPEARANCE, OR PUBLICATION;"

50

51 strike line 12 and substitute the following:

52

53 "LIMITATION,".

54

55 The amendment was declared **passed** by the following roll call vote:

56

	YES	53	NO	11	EXCUSED	01	ABSENT	00
1	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
4	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
5	Buescher	Y	Green	Y	Madden	N	Schultheis	Y
6	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
7	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
8	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
9	Carroll T	N	Hodge	Y	McCluskey	N	Stengel	Y
10	Cerbo	N	Hoppe	Y	McFadyen	Y	Sullivan	Y
11	Clapp	Y	Jahn	Y	McGihon	N	Todd	Y
12	Cloer	Y	Judd	N	McKinley	Y	Vigil	Y
13	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	N
14	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
15	Curry	Y	King	Y	Penry	Y	White	Y
16	Decker	N	Knoedler	Y	Plant	N	Witwer	N
17							Speaker	Y
18								
19								

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

	YES	49	NO	15	EXCUSED	01	ABSENT	00
26	Balmer	Y	Frangas	Y	Larson	N	Pommer	Y
27	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	N
28	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
29	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	N
30	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
31	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
32	Cadman	Y	Harvey	N	Massey	Y	Soper	Y
33	Carroll M	Y	Hefley	N	May	N	Stafford	N
34	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
35	Cerbo	N	Hoppe	N	McFadyen	Y	Sullivan	Y
36	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
37	Cloer	Y	Judd	Y	McKinley	Y	Vigil	N
38	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
39	Crane	N	Kerr J	Y	Paccione	Y	Welker	Y
40	Curry	Y	King	Y	Penry	Y	White	Y
41	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Benefield, Carroll M, Coleman, Frangas,
 44 Green, Hall, Madden, Merrifield, Paccione, Sullivan, Todd, Speaker.

45
 46 **SB06-052** by Senator(s) Grossman; also Representative(s) White--
 47 Concerning exemption from the statutory limitation on the
 48 total sales and use tax that may be imposed for a county
 49 tax to fund open space and park land.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

55

	YES	43	NO	21	EXCUSED	01	ABSENT	00
1	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	N	Garcia	N	Liston	Y	Riesberg	Y
4	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
5	Buescher	N	Green	Y	Madden	Y	Schultheis	N
6	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
7	Cadman	N	Harvey	N	Massey	N	Soper	Y
8	Carroll M	Y	Hefley	N	May	N	Stafford	N
9	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
10	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	N
11	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
12	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
13	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
14	Crane	N	Kerr J	Y	Paccione	Y	Welker	Y
15	Curry	Y	King	N	Penry	N	White	Y
16	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
17							Speaker	Y

18
19 Co-sponsors added: Representatives Curry, Merrifield.

20
21 **SB06-068** by Senator(s) Sandoval; also Representative(s) Frangas--
22 Concerning additional authority of a local licensing
23 authority over alcohol beverage licenses.

24
25 The question being "Shall the bill pass?".

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

	YES	43	NO	20	EXCUSED	02	ABSENT	00
31	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
32	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
33	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
34	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
35	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
36	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
37	Cadman	N	Harvey	N	Massey	Y	Soper	Y
38	Carroll M	Y	Hefley	N	May	N	Stafford	N
39	Carroll T	Y	Hodge	Y	McCluskey	N	Stengel	N
40	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	N
41	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
42	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
43	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
44	Crane	Y	Kerr J	Y	Paccione	Y	Welker	N
45	Curry	Y	King	N	Penry	Y	White	N
46	Decker	N	Knoedler	Y	Plant	Y	Witwer	E
47							Speaker	Y

48 Representative Witwer excused from voting under House Rule 21(c).

49 Co-sponsors added: Representatives Green, Madden.

50
51
52 **HB06-1045** by Representative(s) McCluskey, Butcher, Frangas, Todd;
53 also Senator(s) Keller, Gordon, Tochtrop--Concerning
54 public reporting of hospital-acquired infections, and
55 making an appropriations therefor.

56

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

	YES	64	NO	00	EXCUSED	01	ABSENT	00
7	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
8	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
9	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
10	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
11	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
12	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
13	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
14	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
15	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
16	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
17	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
18	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
19	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
20	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
21	Curry	Y	King	Y	Penry	Y	White	Y
22	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Berens, Borodkin, Carroll M, Clapp,
 25 Coleman, Garcia, Green, Hall, Hoppe, Jahn, Kerr J, Madden, McFadyen,
 26 McGihon, Merrifield, Paccione, Pommer, Ragsdale, Solano, Stafford, Sullivan,
 27 Speaker.

28
 29 **HB06-1145** by Representative(s) Solano, Curry, Gallegos, Larson,
 30 Lindstrom, Merrifield, Paccione, Penry, Riesberg, Soper,
 31 Buescher, Benefield, Jahn, Ragsdale, Todd; also
 32 Senator(s) Teck, Bacon, Hanna, Shaffer, Tochtrop,
 33 Williams, Windels--Concerning the development of a
 34 comprehensive response to the methamphetamine problem
 35 in Colorado, and, in connection therewith, creating a
 36 legislative oversight committee to examine the prevention,
 37 intervention, and treatment of the abuse of
 38 methamphetamine and to examine the production and
 39 distribution of methamphetamine, establishing a state
 40 methamphetamine task force, and strengthening the laws
 41 concerning methamphetamine, and making an
 42 appropriation.

44 As shown by the following roll call vote, a majority of all members
 45 elected to the House voted in the affirmative, and Representative Solano
 46 was given permission to offer a Third Reading amendment:

	YES	64	NO	00	EXCUSED	01	ABSENT	00
49	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
50	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
51	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
52	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
53	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
54	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
55	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
56	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y

1	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
2	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
3	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
4	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
5	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
6	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
7	Curry	Y	King	Y	Penry	Y	White	Y
8	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
9							Speaker	Y

10

11 **Third Reading amendment No. 1**, by Representatives Solano, Penry.

12

13 Amend engrossed bill, page 15, line 23, strike "GENERAL ASSEMBLY" and
14 substitute "ATTORNEY GENERAL".

15

16 Page 16, line 15, strike "SIX" and substitute "THREE AND SIX-TENTHS";

17

18 line 18, strike "SIX" and substitute "THREE AND SIX-TENTHS".

19

20 The amendment was declared **passed** by the following roll call vote:

21

22

	YES	64	NO	00	EXCUSED	01	ABSENT	00
23	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
24	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
25	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
26	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
27	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
28	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
29	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
30	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
31	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
32	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
33	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
34	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
35	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
36	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
37	Curry	Y	King	Y	Penry	Y	White	Y
38	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
39							Speaker	Y

40

41 The question being, "Shall the bill, as amended, pass?".

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

45

46

	YES	56	NO	08	EXCUSED	01	ABSENT	00
47	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
48	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
49	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
50	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
51	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
52	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
53	Cadman	N	Harvey	Y	Massey	Y	Soper	Y
54	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
55	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
56	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y

1	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
2	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
3	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	N
4	Crane	Y	Kerr J	Y	Paccione	Y	Welker	N
5	Curry	Y	King	Y	Penry	Y	White	Y
6	Decker	N	Knoedler	Y	Plant	Y	Witwer	Y
7							Speaker	Y

8 Co-sponsors added: Representatives Berens, Borodkin, Crane, Green, Hall,
9 Hodge, Kerr A, Kerr J, Knoedler, Madden, Massey, McCluskey, McGihon,
10 Pommer, Stafford, Vigil, Witwer, Speaker.

HOUSE RECEDES ON HB06-1354

16 **HB06-1354** by Representative(s) Madden; also Senator(s) Teck--
17 Concerning the amount of the fair market value of a
18 conservation easement in gross donated to a nonprofit
19 entity that may be claimed as a credit against the state
20 income tax.

22 (Amended as printed in Senate Journal, March 28, page 652.)

24 Representative Madden moved that the House **recede** from its position
25 and discharge the Conference Committee on **HB06-1354**. The motion
26 was declared **passed** by the following roll call vote:

28	YES	53	NO	11	EXCUSED	01	ABSENT	00
29	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
30	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
31	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
32	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	N
33	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
34	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
35	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
36	Carroll M	Y	Hefley	N	May	Y	Stafford	N
37	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
38	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
39	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
40	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
41	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
42	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
43	Curry	N	King	Y	Penry	N	White	Y
44	Decker	N	Knoedler	N	Plant	Y	Witwer	Y
45							Speaker	Y

47 Representative Madden moved that the House **concur** in Senate
48 amendments on HB06-1354. The motion was declared **passed** by the
49 following roll call vote:

51	YES	60	NO	04	EXCUSED	01	ABSENT	00
52	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
53	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
54	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
55	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	N
56	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y

1	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
2	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
3	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
4	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
5	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
6	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
7	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
8	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
9	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
10	Curry	N	King	Y	Penry	Y	White	Y
11	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
12							Speaker	Y

13
14 The question being, "Shall the bill, as amended, pass?".
15 A roll call vote was taken. As shown by the following recorded vote, a
16 majority of those elected to the House voted in the affirmative, and the
17 bill, as amended, was declared **repassed**.

18	YES	61	NO	03	EXCUSED	01	ABSENT	00
19								
20	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
21	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
22	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
23	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	N
24	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
25	Butcher	E	Hall	Y	Marshall	Y	Solano	Y
26	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
27	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
28	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
29	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
30	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
31	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
32	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
33	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
34	Curry	Y	King	Y	Penry	Y	White	Y
35	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
36							Speaker	Y

37 Co-sponsor added: Representative Harvey.

38
39
40 House in recess. House reconvened.

41 42 43 **REPORTS OF COMMITTEES OF REFERENCE**

44 **APPROPRIATIONS**

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

47
48
49 **HB06-1024** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:

52
53 Amend corrected printed bill, page 5, after line 14, insert the following:
54 "**SECTION 6. Appropriation.** In addition to any other
55 appropriation, there is hereby appropriated, out of any moneys in the
56 general fund not otherwise appropriated, to the department of higher

1 education, for allocation to the Colorado commission on higher
2 education, administration, for an on-line textbook pilot program, for the
3 fiscal year beginning July 1, 2006, the sum of twenty-eight thousand
4 seven hundred seventeen dollars (\$28,717) and 0.5 FTE, or so much
5 thereof as may be necessary, for the implementation of this act."

6

7 Renumber succeeding section accordingly.

8

9 Page 1, line 102, strike "**EDUCATION.**" and substitute "**EDUCATION, AND**
10 **MAKING AN APPROPRIATION THEREFOR.**".

11

12

13

14 **HB06-1058** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17

18 Amend printed bill, page 4, after line 20, insert the following:

19 "**SECTION 2. Appropriation.** In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the child
21 abuse investigation surcharge fund, created in section 18-24-103 (2),
22 Colorado Revised Statutes, not otherwise appropriated, to the department
23 of public safety, for the fiscal year beginning July 1, 2006, the sum of one
24 hundred eighty-seven thousand dollars (\$187,000) and 0.5 FTE, or so
25 much thereof as may be necessary, for the implementation of this act."

26

27 Renumber succeeding sections accordingly.

28

29 Page 1, line 102, strike "**CHILDREN.**" and substitute "**CHILDREN, AND**
30 **MAKING AN APPROPRIATION THEREWITH.**".

31

32

33

34 **HB06-1126** 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 7, after line 17, insert the following

39 "**SECTION 3. Appropriation.** In addition to any other
40 appropriation, there is hereby appropriated, to the department of human
41 services, division of child care, for the fiscal year beginning July 1, 2006,
42 the sum of seventy thousand five hundred fifty dollars (\$70,550) and 0.3
43 FTE, or so much thereof as may be necessary, for implementation of this
44 act. Of said sum, thirty-five thousand two hundred seventy-five dollars
45 (\$35,275) shall be from the general fund and thirty-five thousand two
46 hundred seventy-five dollars (\$35,275) shall be from federal child care
47 development funds."

48

49 Renumber succeeding sections accordingly.

50

51 Page 1, line 101, strike "**PRODUCTS.**" and substitute "**PRODUCTS, AND**
52 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

53

54

55

56

1 **HB06-1149** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend the Judiciary Committee Report, dated March 23, 2006, page 2,
6 after line 30, insert the following:

7 **""SECTION 3. Appropriation.** In addition to any other
8 appropriation, there is hereby appropriated, out of any moneys in the
9 department of state cash fund created in section 24-21-104 (3) (b),
10 Colorado Revised Statutes, not otherwise appropriated, to the department
11 of state, for the fiscal year beginning July 1, 2006, the sum of thirty-six
12 thousand four hundred dollars (\$36,400), or so much thereof as may be
13 necessary, for the implementation of this act."
14

15 Page 3, line 1, strike **""SECTION 3.** and substituted **"SECTION 4."**;
16
17 line 8, strike **"1972"."."** and substitute **"1972", AND MAKING AN**
18 **APPROPRIATION THEREFOR"."."**
19
20
21

22 **HB06-1153** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:
25

26 Amend printed bill, page 8, after line 20, insert the following:

27 **"SECTION 3. Appropriation.** In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the
29 general fund not otherwise appropriated, to the department of public
30 safety, for allocation to the Colorado bureau of investigation, for the
31 fiscal year beginning July 1, 2006, the sum of fifty-eight thousand eight
32 hundred thirty-five dollars (\$58,835) and 1.2 FTE, or so much thereof as
33 may be necessary, for the implementation of this act."
34

35 Renumber succeeding sections accordingly.
36

37 Page 1, line 101, strike **"LAWS."** and substitute **"LAWS, AND MAKING AN**
38 **APPROPRIATION IN CONNECTION THEREWITH."**
39
40
41

42 **HB06-1166** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:
45

46 Amend printed bill, page 11, after line 10, insert the following:

47 **"SECTION 6. Appropriation.** In addition to any other
48 appropriation, there is hereby appropriated, out of any moneys in the
49 general fund, not otherwise appropriated, to the department of revenue,
50 for allocation to the information technology division, for the fiscal year
51 beginning July 1, 2006, the sum of two thousand five hundred ten dollars
52 (\$2,510), or so much thereof as may be necessary, for the implementation
53 of this act."
54

55 Renumber succeeding section accordingly.
56

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

3

4

5

6 **HB06-1270** be amended as follows, and as so amended, be referred to
7 the Committee of the Whole with favorable
8 recommendation:
9

10 Amend printed bill, page 6, after line 12, insert the following:

11 **"SECTION 3. Appropriation - adjustments to 2006 long bill.**

12 (1) For the implementation of this act, appropriations made in the annual
13 general appropriation act to the department of health care policy and
14 financing, executive director's office, for the fiscal year beginning July 1,
15 2006, shall be adjusted as follows:
16

17 (a) The appropriation to personal services is increased by forty-
18 nine thousand six hundred fifty-six dollars (\$49,656) and 1.0 FTE. Of
19 said sum, twenty-four thousand eight hundred twenty-eight dollars
20 (\$24,828) shall be from the general fund and twenty-four thousand eight
21 hundred twenty-eight dollars (\$24,828) shall be from federal funds.
22

23 (b) The appropriation to operating expenses is increased by nine
24 thousand eight hundred seventy-six dollars (\$9,876). Of said sum, four
25 thousand nine hundred thirty-eight dollars (\$4,938) shall be from the
26 general fund and four thousand nine hundred thirty-eight dollars (\$4,938)
27 shall be from federal funds."
28

29 Renumber succeeding section accordingly.
30

31 Page 1, line 103, strike "BENEFITS." and substitute "BENEFITS, AND
32 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."
33

34

35

36 **HB06-1283** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend printed bill, page 10, after line 19, insert the following:

41 **"SECTION 3. Appropriation.** In addition to any other
42 appropriation, there is hereby appropriated, out of any moneys in the
43 general fund not otherwise appropriated, to the department of education,
44 for the fiscal year beginning July 1, 2006, the sum of twenty-five
45 thousand two hundred forty-five dollars (\$25,245) and 0.3 FTE, or so
46 much thereof as may be necessary, for the implementation of this act."
47

48 Renumber succeeding section accordingly.
49

50 Page 1, line 104, strike "ACHIEVEMENT." and substitute "ACHIEVEMENT,
51 AND MAKING AN APPROPRIATION THEREFOR."
52

53

54

55

1 **HB06-1343** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 5, after line 13, insert the following:
6 **"SECTION 2. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 general fund not otherwise appropriated, to the department of labor and
9 employment, for allocation to the executive director's office, for the fiscal
10 year beginning July 1, 2006, the sum of one hundred forty thousand one
11 hundred sixty-six dollars (\$140,166) and 1.9 FTE, or so much thereof as
12 may be necessary, for the implementation of this act."
13

14 Renumber succeeding section accordingly.
15

16 Page 1, line 102, strike "SERVICES." and substitute "SERVICES, AND
17 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."
18
19
20

21 **HB06-1363** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25 Amend printed bill, page 8, line 21, strike "GENERAL FUND." and
26 substitute "JUDICIAL SURCHARGE ADMINISTRATION FUND CREATED IN
27 SECTION 18-22.5-104."
28

29 Page 9, line 2, strike "STATE GENERAL";
30

31 strike lines 3 through 7 and substitute the following:
32

33 "JUVENILE DIVERSION CASH FUND CREATED IN SECTION 19-2-303.5,
34 C.R.S.";
35

36 after line 13, insert the following:
37

38 **"18-22.5-104. Judicial surcharge administration fund -**
39 **creation.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE
40 JUDICIAL SURCHARGE ADMINISTRATION FUND, REFERRED TO IN THIS
41 SECTION AS THE "FUND", THAT SHALL CONSIST OF FIVE PERCENT OF THE
42 JUVENILE CRIME PREVENTION SURCHARGE COLLECTED PURSUANT TO
43 SECTION 18-22.5-103. THE MONEYS IN THE FUND SHALL BE SUBJECT TO
44 ANNUAL APPROPRIATION TO THE JUDICIAL DEPARTMENT BY THE GENERAL
45 ASSEMBLY FOR THE COSTS OF ADMINISTERING THIS ARTICLE. ANY
46 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF ADMINISTERING
47 THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
48 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
49 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
50 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
51 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
52 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

53 **SECTION 3.** 19-2-303.5 (1), Colorado Revised Statutes, is
54 amended to read:
55

56 **19-2-303.5. Juvenile diversion cash fund - creation.** (1) Fifty

1 percent of the moneys collected pursuant to section 18-4-509 (2) (a),
2 C.R.S., shall be transmitted to the state treasurer, who shall credit the
3 same to the juvenile diversion cash fund, which fund is hereby created
4 and referred to in this section as the "fund". THE FUND SHALL ALSO
5 INCLUDE THIRTEEN PERCENT OF THE MONEYS COLLECTED PURSUANT TO
6 THE JUVENILE CRIME PREVENTION SURCHARGE AND CREDITED TO THE
7 FUND PURSUANT TO SECTION 18-22.5-103, C.R.S. The moneys in the fund
8 shall be subject to annual appropriation by the general assembly for the
9 direct and indirect costs associated with the implementation of the
10 juvenile diversion program pursuant to section 19-2-303."

11
12 Renumber succeeding sections accordingly.

13
14 Page 10, after line 24, insert the following:

15 **"SECTION 6. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 judicial surcharge administration fund created in section 18-22.5-104,
18 Colorado Revised Statutes, not otherwise appropriated, to the judicial
19 department, for the fiscal year beginning July 1, 2006, the sum of one
20 hundred sixteen thousand nine hundred four dollars (\$116,904), or so
21 much thereof as may be necessary, for the implementation of this act.

22
23 (2) In addition to any other appropriation, there is hereby
24 appropriated, out of any moneys in the juvenile diversion cash fund
25 created in section 19-2-303.5 (1), Colorado Revised Statutes, not
26 otherwise appropriated, to the department of public safety for allocation
27 to the division of criminal justice, for the fiscal year beginning July 1,
28 2006, the sum of three hundred three thousand nine hundred fifty-two
29 dollars (\$303,952), or so much thereof as may be necessary, for the
30 implementation of this act.

31
32 (3) In addition to any other appropriation, there is hereby
33 appropriated, out of any moneys in the Colorado student delinquency
34 prevention program fund created in section 25-20.5-205 (6), Colorado
35 Revised Statutes, not otherwise appropriated, to the department of public
36 health and environment, for allocation to the prevention services division,
37 for the fiscal year beginning July 1, 2006, the sum of one million nine
38 hundred seventeen thousand two hundred thirty-three dollars
39 (\$1,917,233), or so much thereof as may be necessary, for the
40 implementation of this act."

41
42 Renumber succeeding section accordingly.

43
44 Page 1, line 102, strike "**DELINQUENCY.**" and substitute "**DELINQUENCY,**
45 **AND MAKING AN APPROPRIATION THEREFOR.**"

46
47
48
49
50 **JUDICIARY**

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

53
54 **HB06-1381** be referred to the Committee of the Whole with favorable
55 recommendation.

56

MESSAGE FROM THE SENATE

1
2
3 The Senate has passed on Third Reading and transmitted to the Revisor
4 of Statutes: SB06-049,
5
6 SB06-045 amended as printed in Senate Journal, April 6, 2006,
7 page 782,
8 HB06-1275 amended as printed in Senate Journal, March 29, 2006,
9 page 676.
10
11 The Senate voted to concur in House amendments to SB06-021, and
12 repassed the bill as amended.
13
14 In response to a request from the House for a Conference Committee on
15 HB06-1375, the President appointed Senators Windels, Chair, Williams
16 and Spence as members of the First Conference Committee on
17 HB06-1375.
18
19 The Senate granted permission to members of the First Conference
20 Committee on HB06-1375 to consider matters not at issue between the
21 two houses.
22

MESSAGE FROM THE REVISOR

23
24
25
26
27 We herewith transmit:
28 Without comment, SB06-049.
29 Without comment, as amended, HB06-1275.
30 Without comment, as amended, SB06-045.
31

MESSAGE FROM THE GOVERNOR

32
33
34
35
36 I certify I received the following on the 7th day of April, 2006, at
37 3:25 p.m. The original is on file in the records of the House of
38 Representatives of the General Assembly.
39

40 Marilyn Eddins,
41 Chief Clerk of the House
42

43 April 7, 2006
44

45 The Honorable Colorado House of Representatives
46 Sixty-Fifth General Assembly
47 Second Regular Session
48 State Capitol
49 Denver, CO 80203
50

51 Ladies and Gentleman:
52

53 I am filing with the Secretary of State House Bill 06-1106, "Concerning a
54 Prohibition Against a Coverage Exclusion in a Sickness and Accident Insurance
55 Policy for Injuries Sustained While Under the Influence of a Controlled
56 Substance." I will neither sign nor veto House Bill 06-1106. Therefore, this

1 bill becomes law at 12:01 a.m. on April 7, 2006. This letter sets forth my
2 reasons for letting this bill become law without my signature.

3
4 House Bill 1106 prohibits individual and group sickness and accident insurance
5 policies from containing provisions that limit or exclude hospital or medical
6 benefits because the insured or a covered dependent sustained injuries while
7 intoxicated or under the influence of a controlled substance. Currently,
8 Colorado does not have a law that allows insurance companies to exclude this
9 coverage. Therefore, the bill seeks to remedy a problem that may not exist in
10 our state. However, proponents of H.B. 1106 strongly believe that by ensuring
11 that health plans do not exclude this type of coverage now or in the future,
12 individuals will receive more immediate treatment for substance abuse issues
13 and the state will realize a reduction in drunk driving.

14
15 Colorado is one of several states that have not passed alcohol or drug exclusion
16 laws. According to the Colorado Association of Health Plans, only one of its
17 plans has ever had a plan type that excluded benefits for these types of self-
18 inflicted injuries. It is important to note that these injuries are, indeed, *self-*
19 *inflicted* injuries. I am concerned that the policy of this bill undermines personal
20 responsibility. However, if the proponents of H.B. 1106 are correct in their
21 belief that this legislation will lead to an increase in screening and intervention
22 of substance abuse, then perhaps these individuals will be forced to take more
23 responsibility for their substance abuse problems, reduce their likelihood of
24 repeat visits to the hospitals and most importantly, stop putting innocent
25 bystanders or drivers in harms way.

26
27 During the testimony for H.B. 1106, individuals from groups such as Mothers
28 Against Drunk Driving and Peer Assistance Services stated that this legislation
29 will help reduce drunk driving. They stated that physicians were either not
30 treating these individuals' injuries or treating them but not testing for
31 substances out of fear of reimbursement denial from insurance companies.
32 Little evidence exists to suggest that physicians have not been treating
33 individuals who were injured as a result of the use of alcohol or drugs. This
34 claim seems to contradict federal law related to the treatment of emergency
35 conditions. This is also not consistent with the information provided by the
36 Colorado Association of Health Plans. It is more plausible that physicians are
37 treating these individuals but possibly not screening them for alcohol or drugs.

38
39 While I have reservations about the real impact of this bill, those reservations
40 do not rise to the level required for me to veto and – accordingly – I am
41 allowing this bill to become law without my signature.

42
43 Sincerely,
44 (signed)
45 Bill Owens

46 _____
47
48 House in recess. House reconvened.
49 _____

50
51
52 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

53
54 The Speaker has signed: **HB06-1109, 1120, 1212, 1249, 1260, 1267,**
55 **1271, 1285, 1299, 1318, 1356, 1377.**

56

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB06-1016, 1071, 1076, 1102, 1108, 1115, 1148, 1162, 1189, 1247, 1255, 1334, 1353** at 3:32 p.m., on April 10, 2006.

**INTRODUCTION OF BILL
First Reading**

The following bill was read by title and referred to the committees indicated:

SB06-045 by Senator(s) Williams, Jones; also Representative(s) Solano, Hefley, Merrifield--Concerning the investigation of child care providers, and making an appropriation therefor.

Committee on Health and Human Services
Committee on Appropriations

SB06-049 by Senator(s) Bacon, Evans, Tapia; also Representative(s) Lindstrom, Borodkin, Massey--Concerning the transfer of the state council on the arts from the department of higher education to the Colorado office of economic development.

Committee on State, Veterans, & Military Affairs

LAY OVER OF CALENDAR ITEMS

On motion of Representative Madden, the following items on the Calendar were laid over until April 11, retaining place on Calendar:

Consideration of Special Orders--**HB06-1280, SB06-090, HB06-1171, 1326.**

Consideration of Third Reading--**HB06-1352.**

Consideration of General Orders--**HB06-1096, 1314, HCR06-1001, HB06-1322, SB06-114, 066, HB06-1111, 1302, 1366, SB06-203, 204, 205, 037, HB06-1131, 1306, 1383, SB06-002, 120, 024, 144, 197, 202, 035.**

Consideration of Conference Committee Reports--**SB06-145, HB06-1159.**

Consideration of Resolutions--**HJR06-1016, 1020.**

Consideration of Senate Amendments--**HB06-1125, 1193, 1338.**

Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369, 1371, 1374.**

1 On motion of Representative Liston, the House adjourned until 9:00 a.m.,
2 April 11, 2006.

3

4

5

6

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Approved:
ANDREW ROMANOFF,
Speaker

Attest:

MARILYN EDDINS,

Chief Clerk