

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

Eighty-third Legislative Day

Monday, April 3, 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 Marisa Weissmann.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused--Representatives Coleman, Garcia, Pommer--3.

11 Absent--Representatives Paccione, Penry--2.

12 Present after roll call--Representatives Coleman, Garcia, Penry,
13 Paccione, Pommer.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Weissmann, the reading of the journal of
19 March 31, 2006, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

21

22

23 On motion of Representative Madden, **SB06-115, 196, 013, 021, 083,**
24 **163, 071, HB06-1379, SB06-177, 192, 194, 091, HB06-1004, 1323,**
25 **1330, 1331, 1347, 1360, 1361** were added to the Special Orders Calendar
26 on Monday, April 3, 2006.

27

28

29 On motion of Representative Vigil, the House resolved itself into
30 Committee of the Whole for consideration of Special Orders and he was
31 called to the Chair to act as Chairman.

32

33

34

35 **SPECIAL ORDERS--SECOND READING OF BILLS**

36

37 The Committee of the Whole having risen, the Chairman reported the
38 titles of the following bills had been read (reading at length had been
39 dispensed with by unanimous consent), the bills considered and action
40 taken thereon as follows:

41

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

1 **SB06-115** by Senator(s) Takis; also Representative(s) Larson--
2 Concerning the rights of a local government with regard
3 to the construction of a private toll road or toll highway.
4

5 Amendment No. 1, by Representative Larson.
6

7 Amend reengrossed bill, page 2, line 18, strike "A" and substitute
8 "NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION,
9 A";
10

11 line 19, after "HIGHWAY", insert "MAY NOT CONDEMN REAL ESTATE OR
12 RIGHT-OF-WAY, BUT THE DEPARTMENT OF TRANSPORTATION MAY
13 EXERCISE, SUBJECT TO THE CONDITIONS AND LIMITATIONS SET FORTH IN
14 SECTIONS 7-45-104 AND 43-1-1202 (1) (f), C.R.S., THE POWER OF
15 EMINENT DOMAIN IN CONNECTION WITH A TOLL ROAD OR TOLL HIGHWAY
16 PROJECT BEING UNDERTAKEN AS A PUBLIC-PRIVATE INITIATIVE BETWEEN
17 THE DEPARTMENT AND SUCH A CORPORATION. SUCH A CORPORATION".
18

19 As amended, ordered revised and placed on the Calendar for Third
20 Reading and Final Passage.
21

22 **HB06-1257** by Representative(s) Green; also Senator(s) Keller--
23 Concerning noise mitigation measures along state
24 highways.
25

26 Amendment No. 1, Transportation & Energy Report, dated February 22,
27 2006, and placed in member's bill file; Report also printed in House
28 Journal, February 22, pages 490-491.
29

30 Amendment No. 2, Appropriations Report, dated March 17, 2006, and
31 placed in member's bill file; Report also printed in House Journal, March
32 20, pages 827-828.
33

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

36 (For change in action, see Amendments to Report, page 1007.)
37

38 **SB06-106** by Senator(s) Grossman, Groff, Veiga; also
39 Representative(s) McGihon, Carroll T., Hefley, King,
40 Marshall--Concerning implementation of
41 recommendations of the committee on legal services in
42 connection with legislative review of rules and regulations
43 of state agencies.
44

45 Rereferred to the Committee on Legal Services.
46

47 **SB06-196** by Senator(s) Hagedorn; also Representative(s) McGihon--
48 Concerning the authority of the governor to appoint a
49 nurse in good standing to the state board of nursing when
50 there is not a candidate available who meets the existing
51 requirements for appointment.
52

53 Ordered revised and placed on the Calendar for Third Reading and Final
54 Passage.
55
56

1 **SB06-013** by Senator(s) Spence; also Representative(s) Benefield--
2 Concerning extension of the surcharge associated with the
3 security features found on drivers' licenses.
4

5 Amendment No. 1, by Representative Weissmann.
6

7 Amend reengrossed bill, page 2, line 9, strike "~~This~~" and substitute
8 "This";
9

10 strike line 10 and substitute "sub-subparagraph (F) is repealed, effective
11 July 1, ~~2006~~ 2009.";
12

13 strike line 19 and substitute the following:

14 "(3) This section is repealed, effective July 1, ~~2006~~ 2009.";
15

16 strike lines 24 and 25 and substitute the following:
17

18 "(a) (V) (B) This subparagraph (V) is repealed, effective July 1,
19 ~~2006~~ 2009."
20

21 As amended, ordered revised and placed on the Calendar for Third
22 Reading and Final Passage.
23

24 **SB06-021** by Senator(s) Sandoval; also Representative(s) Marshall--
25 Concerning identification cards issued by the state
26 department of revenue to certain individuals.
27

28 Amendment No. 1, Transportation & Energy Report, dated March 22,
29 2006, and placed in member's bill file; Report also printed in House
30 Journal, March 23, page 883.
31

32 Amendment No. 2, by Representative Marshall.
33

34 Amend the Transportation and Energy Committee Report, dated March
35 22, 2006, page 1, line 4, before "DETERMINED", insert "AS";
36

37 line 5, strike "INDIVIDUALS" and substitute "PERSONS" and strike
38 "SENIORS." and substitute "INDIVIDUALS WHO ARE SIXTY-FIVE YEARS OF
39 AGE OR OLDER.".
40

41 As amended, ordered revised and placed on the Calendar for Third
42 Reading and Final Passage.
43

44 **SB06-083** by Senator(s) May R.; also Representative(s) Ragsdale--
45 Concerning authorization for an alternate person to
46 supervise a holder of a driver's permit issued to a minor
47 who is under sixteen years of age.
48

49 Amendment No. 1, Transportation & Energy Report, dated March 22,
50 2006, and placed in member's bill file; Report also printed in House
51 Journal, March 23, pages 883-884.
52

53 Amendment No. 2, by Representative Ragsdale.
54

55 Amend the Transportation and Energy Committee Report, dated March
56 22, 2006, page 1, line 14, strike "CYCLE." and substitute "CYCLE. A";.

1 Page 2, line 15, strike "CYCLE.;" and substitute "CYCLE. A";".

2

3 As amended, ordered revised and placed on the Calendar for Third
4 Reading and Final Passage.

5

6 **SB06-163** by Senator(s) Kester; also Representative(s) Jahn--
7 Concerning the date on which a lien on a motor vehicle is
8 perfected.

9

10 Amendment No. 1, Transportation & Energy Report, dated March 22,
11 2006, and placed in member's bill file; Report also printed in House
12 Journal, March 23, page 884.

13

14 As amended, ordered revised and placed on the Calendar for Third
15 Reading and Final Passage.

16

17 **HB06-1379** by Representative(s) Garcia and Carroll T., Jahn, Todd;
18 also Senator(s) Spence, Hagedorn--Concerning a
19 requirement for training to implement witness protection
20 programs.

21

22 Amendment No. 1, Judiciary Report, dated March 23, 2006, and placed
23 in member's bill file; Report also printed in House Journal, March 24,
24 page 899.

25

26 As amended, ordered engrossed and placed on the Calendar for Third
27 Reading and Final Passage.

28

29 **SB06-177** by Senator(s) Veiga; also Representative(s) Larson--
30 Concerning modifications to the statutory requirements of
31 part 3 of article 4.1 of title 24, Colorado Revised Statutes.

32

33 Amendment No. 1, Judiciary Report, dated March 23, 2006, and placed
34 in member's bill file; Report also printed in House Journal, March 24,
35 pages 900-901.

36

37 Amendment No. 2, by Representative Larson.

38

39 Amend the Judiciary Committee Report, dated March 23, 2006, page 1,
40 line 2, strike "(k.5)," and substitute "(k.3),";

41

42 strike lines 10 and 11 and substitute the following:

43

44 "Page 8, strike lines 15 through 21 and substitute the following:

45

46 "(IV) THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE
47 VICTIM IN A COLD CASE INFORMATION CONCERNING ANY CHANGE IN THE
48 STATUS OF THE CASE. IN ADDITION, UPON THE WRITTEN REQUEST OF THE
49 VICTIM, THE LAW ENFORCEMENT AGENCY".

50

51 As amended, ordered revised and placed on the Calendar for Third
52 Reading and Final Passage.

53

54

55

- 1 **SB06-192** by Senator(s) Groff; also Representative(s) Riesberg--
2 Concerning a task force on drunk driving.
3
- 4 Ordered revised and placed on the Calendar for Third Reading and Final
5 Passage.
6
- 7 **SB06-194** by Senator(s) Tochtrop; also Representative(s) McFadyen--
8 -Concerning the authority of the wildlife commission to
9 issue youth hunting licenses.
10
- 11 Ordered revised and placed on the Calendar for Third Reading and Final
12 Passage.
13
- 14 **SB06-091** by Senator(s) Tupa, Groff; also Representative(s)
15 Riesberg, Coleman, Gallegos, Todd--Concerning a
16 prohibition against using telephone records without
17 authorization.
18
- 19 Ordered revised and placed on the Calendar for Third Reading and Final
20 Passage.
21
- 22 **HB06-1004** by Representative(s) Green; also Senator(s) Windels--
23 Concerning the creation of a grant program to provide
24 funding for organizations that supply accessible
25 educational materials for students with print disabilities,
26 and making an appropriation therefor.
27
- 28 Amendment No. 1, Education Report, dated February 2, 2006, and placed
29 in member's bill file; Report also printed in House Journal, February 3,
30 pages 196-201.
31
- 32 Amendment No. 2, Appropriations Report, dated March 31, 2006, and
33 placed in member's bill file; Report also printed in House Journal, March
34 31, pages 990-991.
35
- 36 As amended, ordered engrossed and placed on the Calendar for Third
37 Reading and Final Passage.
38
- 39 **HB06-1323** by Representative(s) Marshall, Massey; also Senator(s)
40 Kester--Concerning fraud in the mortgage lending process,
41 and, in connection therewith, imposing a minimum fine,
42 limiting plea bargains, and giving the attorney general
43 concurrent jurisdiction.
44
- 45 Amendment No. 1, Finance Report, dated March 9, 2006, and placed in
46 member's bill file; Report also printed in House Journal, March 9, pages
47 668-670.
48
- 49 As amended, ordered engrossed and placed on the Calendar for Third
50 Reading and Final Passage.
51
- 52
- 53 **HB06-1330** by Representative(s) Romanoff, Stengel; also Senator(s)
54 Fitz-Gerald, Mitchell--Concerning information filed with
55 the division of insurance by specified types of insurers.
56

1 Amendment No. 1, Business Affairs and Labor Report, dated March 22,
2 2006, and placed in member's bill file; Report also printed in House
3 Journal, March 22, pages 865-867.

4
5 Amendment No. 2, Finance Report, dated March 23, 2006, and placed in
6 member's bill file; Report also printed in House Journal, March 24, pages
7 897-898.

8
9 Amendment No. 3, Appropriations Report, dated March 31, 2006, and
10 placed in member's bill file; Report also printed in House Journal, March
11 31, page 993.

12
13 Amendment No. 4, by Representative Romanoff.

14
15 Amend the Business Affairs and Labor Committee Report, dated March
16 22, 2006, page 1, line 14, after "(8)", insert "(a)".

17
18 Page 2, line 3, strike "(a)" and substitute "(I)";

19
20 line 4, strike "(b)" and substitute "(II)";

21
22 line 5, strike "(c)" and substitute "(III)";

23
24 line 6, strike "(d)" and substitute "(IV)";

25
26 line 7, strike "(e)" and substitute "(V)";

27
28 line 8, strike "(f)" and substitute "(VI)";

29
30 line 9, strike "(g)" and substitute "(VII)";

31
32 after line 9, insert the following:

33
34 "(b) FOR PURPOSES OF COMPLYING WITH THE REQUIREMENTS OF
35 THIS SUBSECTION (8), A PROPERTY AND CASUALTY INSURER SHALL NOT BE
36 REQUIRED TO REPORT INFORMATION FOR CALENDAR YEARS COMMENCING
37 PRIOR TO JANUARY 1, 2002."

38
39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.

41
42
43 **HB06-1331** by Representative(s)Plant; also Senator(s) Tapia--
44 Concerning the regulation of landscape architects.

45
46 Amendment No. 1, Business Affairs and Labor Report, dated March 8,
47 2006, and placed in member's bill file; Report also printed in House
48 Journal, March 9, pages 654-655.

49
50 Amendment No. 2, Appropriations Report, dated March 31, 2006, and
51 placed in member's bill file; Report also printed in House Journal, March
52 31, page 994.

53
54
55

1 Amendment No. 3, by Representative Plant.

2

3 Amend the Appropriations Committee Report, dated March 31, 2006,
4 page 2, line 7, strike ""ARCHITECTS AND" and substitute ""ARCHITECTS,
5 AND".

6

7 As amended, ordered engrossed and placed on the Calendar for Third
8 Reading and Final Passage.

9

10 **HB06-1360** by Representative(s) Riesberg; also Senator(s) Tupa--
11 Concerning the advancement of new bioscience
12 discoveries at Colorado research institutions through
13 evaluation.

14

15 Amendment No. 1, Appropriations Report, dated March 31, 2006, and
16 placed in member's bill file; Report also printed in House Journal, March
17 31, pages 994-995.

18

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

21

22 **HB06-1361** by Representative(s) Green; also Senator(s) Shaffer--Con-
23 cerning an incentive to help Colorado bioscience
24 companies offset the indirect costs associated with
25 research services performed by Colorado research
26 institutions.

27

28 Amendment No. 1, Finance Report, dated March 8, 2006, and placed in
29 member's bill file; Report also printed in House Journal, March 9, page
30 657.

31

32 Amendment No. 2, Appropriations Report, dated March 31, 2006, and
33 placed in member's bill file; Report also printed in House Journal, March
34 31, page 995.

35

36 As amended, ordered engrossed and placed on the Calendar for Third
37 Reading and Final Passage.

38

39 On motion of Representative Madden, the remainder of the Special
40 Orders Calendar (**HB06-1352, 1280, SB06-071, HB06-1347**) was laid
41 over until April 4, retaining place on Calendar.

42

43

44

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

46

47 Representative Frangas moved to amend the Report of the Committee of
48 the Whole to show that the following Frangas amendment, to HB06-1257,
49 did pass, and that **HB06-1257**, as amended, did pass.

50

51 Amend printed bill, page 3, line 8, after "HOMEOWNER", insert "OR
52 RENTER";

53

54 line 9, strike "AREA", and substitute "AREA, OR THE OPERATOR OF A
55 TEMPORARY HOUSING FACILITY OR PUBLIC HOUSING FACILITY LOCATED IN
56 AN ELIGIBLE AREA,".

1 Page 4, line 16, after "BY", insert "MEMBERS OF";
 2
 3 line 17, strike "RESIDENT HOMEOWNERS" and substitute "HOUSEHOLDS"
 4 and strike "WHOSE HOMES ARE" and substitute "WHO LIVE";
 5
 6 line 18, strike "LOCATED".

7
 8 The amendment was declared **passed** by the following roll call vote:
 9

	YES	39	NO	26	EXCUSED	00	ABSENT	00
11	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
12	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
13	Berens	N	Garcia	N	Liston	N	Riesberg	Y
14	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
15	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
16	Butcher	Y	Hall	N	Marshall	Y	Solano	Y
17	Cadman	N	Harvey	N	Massey	N	Soper	Y
18	Carroll M	Y	Hefley	N	May	N	Stafford	Y
19	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
20	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	N
21	Clapp	N	Jahn	N	McGihon	Y	Todd	Y
22	Cloer	Y	Judd	Y	McKinley	N	Vigil	Y
23	Coleman	Y	Kerr A	N	Merrifield	Y	Weissmann	Y
24	Crane	N	Kerr J	Y	Paccione	Y	Welker	Y
25	Curry	Y	King	N	Penry	N	White	N
26	Decker	N	Knoedler	Y	Plant	Y	Witwer	Y
27							Speaker	Y

28
 29 Representatives Knoedler and King moved to amend the Report of the
 30 Committee of the Whole to show that the Appropriations Committee
 31 Report to HB06-1257, dated March 17, 2006, did not pass, and that
 32 **HB06-1257**, as amended, did pass.

33
 34 The amendment was declared **lost** by the following roll call vote:
 35

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

54
 55
 56

1 Representatives King and Hoppe moved to amend the Report of the
2 Committee of the Whole to show that **HB06-1257**, as amended, did not
3 pass.

4
5 The amendment was declared **lost** by the following roll call vote:

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

25
26 Representative Schultheis moved to amend the Report of the Committee
27 of the Whole to show that the following Schultheis amendment, to
28 SB06-021, did pass, and that **SB06-021**, as amended, did pass.

29
30 Amend reengrossed bill, page 2, line 12, strike "ATTEST UNDER
31 PENALTY";

32
33 line 13, strike "OF PERJURY" and substitute "PROVIDE DOCUMENTATION";

34
35 line 15, strike "ATTEST UNDER PENALTY";

36
37 line 16, strike "OF PERJURY" and substitute "PROVIDE DOCUMENTATION"
38 and strike "A RESIDENT OF" and substitute "LEGALLY RESIDENT IN".

39
40 The amendment was declared **lost** by the following roll call vote:

	YES	25	NO	39	EXCUSED	01	ABSENT	00
43	Balmer	Y	Frangas	N	Larson	N	Pommer	N
44	Benefield	N	Gallegos	N	Lindstrom	N	Ragsdale	N
45	Berens	Y	Garcia	N	Liston	Y	Riesberg	N
46	Borodkin	N	Gardner	Y	Lundberg	Y	Rose	Y
47	Buescher	N	Green	N	Madden	N	Schultheis	Y
48	Butcher	N	Hall	Y	Marshall	N	Solano	E
49	Cadman	Y	Harvey	Y	Massey	N	Soper	N
50	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
51	Carroll T	N	Hodge	N	McCluskey	Y	Stengel	Y
52	Cerbo	N	Hoppe	N	McFadyen	N	Sullivan	Y
53	Clapp	Y	Jahn	N	McGihon	N	Todd	N
54	Cloer	Y	Judd	N	McKinley	N	Vigil	N
55	Coleman	N	Kerr A	N	Merrifield	N	Weissmann	N
56	Crane	N	Kerr J	Y	Paccione	N	Welker	Y

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

4
5
6
7 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

8
9 Passed Second Reading: **SB06-115 amended, HB06-1257 amended,**
10 **SB06-196, 013 amended, 021 amended, 083 amended, 163 amended,**
11 **HB06-1379 amended, SB06-177 amended, 192, 194, 091, HB06-1004**
12 **amended, 1323 amended, 1330 amended, 1331 amended, 1360**
13 **amended, 1361 amended.**

14
15 Laid over until date indicated retaining place on Calendar: **HB06-1352,**
16 **1280, SB06-071, HB06-1347--April 4, 2006.**

17
18 Referred to Committee indicated: **SB06-106--Rereferred to the**
19 **Committee on Legal Services.**

20
21 The Chairman moved the adoption of the Committee of the Whole
22 Report. As shown by the following roll call vote, a majority of those
23 elected to the House voted in the affirmative, and the Report was
24 **adopted.**

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

44
45
46 House in recess. House reconvened.

47
48
49 **PRINTING REPORT**

50
51 The Chief Clerk reports the following bills have been correctly printed:
52 **HB06-1388, 1389, HCR06-1004.**

53
54
55
56

1 I have the honor to inform you that I have approved and filed with
2 the Secretary of State the following Acts:

3
4 **HB06-1007** Concerning The Transfer Of A Motor Vehicle To A
5 Person Not Licensed As A Motor Vehicle Dealer For The
6 Purpose Of Scrapping The Motor Vehicle.

7
8 Approved March 31, 2006 at 10:12 a.m.

9
10 **HB06-1041** Concerning Continuation Of The Cost-Benefit Analysis Of
11 Proposed Rules.

12
13 Approved March 31, 2006 at 10:11 a.m.

14
15 **HB06-1059** Concerning The Structure Of Trust Funds And Investment
16 Funds In The Administration Of Assets For The Benefit
17 Of Firefighters And Police Officers.

18
19 Approved March 31, 2006 at 10:10 a.m.

20
21 **HB06-1074** Concerning The Waste Tire Recycling Development Fee.

22
23 Approved March 31, 2006 at 10:09 a.m.

24
25 **HB06-1080** Concerning Authorizing Forensically Trained Doctoral
26 Level Mental Health Professionals To Conduct
27 Competency Examinations For Adults Charged With
28 Crimes.

29
30 Approved March 31, 2006 at 10:09 a.m.

31
32 **HB06-1084** Concerning Illegal Speeding Activities Involving Motor
33 Vehicles.

34
35 Approved March 31, 2006 at 10:08 a.m.

36
37 **HB06-1093** Concerning Colorado Northwestern Community College.

38
39 Approved March 31, 2006 at 10:07 a.m.

40
41 **HB06-1098** Concerning The Inclusion Of Mental Health In-Service
42 Programs In Professional Development Options For Public
43 School Educators, And, In Connection Therewith,
44 Allowing Public School Educators To Receive Credit For
45 Suicide Prevention Education Programs.

46
47 Approved March 31, 2006 at 10:52 a.m.

48
49 **HB06-1103** Concerning Forfeiture Provisions In Agreements Affecting
50 Persons In Facilities Providing Residential Care.

51
52 Approved March 31, 2006 at 10:52 a.m.

53
54
55

- 1 **HB06-1112** Concerning Changes To Conform Colorado Juvenile Law
2 To Federal Law.
3
4 Approved March 31, 2006 at 10:52 a.m.
5
6
- 7 **HB06-1118** Concerning Actions Taken Against A Person Licensed To
8 Operate A Commercial Motor Vehicle That Deny The
9 Person The Privilege Of Operating Such Motor Vehicle.
10
11 Approved March 31, 2006 at 10:53 a.m.
12
13
- 14 **HB06-1141** Concerning The Authorization Of Affiliated Business
15 Arrangements Relating To Title Insurance.
16
17 Approved March 31, 2006 at 10:54 a.m.
18
- 19 **HB06-1156** Concerning Increased Consumer Rights Regarding The
20 Use Of Social Security Numbers.
21
22 Approved March 31, 2006 at 10:54 a.m.
23
- 24 **HB06-1191** Concerning A Mandatory Recount In An Election In
25 Which More Than One Candidate Is To Be Elected.
26
27 Approved March 31, 2006 at 10:54 a.m.
28
- 29 **HB06-1195** Concerning The Length Of Suspension From Work For
30 State-Employed Supervisors Who Fail To Annually
31 Evaluate Subordinate Employees In The State Personnel
32 System.
33
34 Approved March 31, 2006 at 10:54 a.m.
35
- 36 **HB06-1198** Concerning Provisional Ballots Cast By Electors In A
37 County Other Than Their County Of Residence.
38
39 Approved March 31, 2006 at 10:54 a.m.
40
- 41 **HB06-1204** Concerning The Regulation Of Person Working In Coal
42 Mines, And, In Connection Therewith, Continuing The
43 Coal Mine Board Of Examiners.
44
45 Approved March 31, 2006 at 10:54 a.m.
46
- 47 **HB06-1207** Concerning The Definition Of A Salaried Foster Parent,
48 And, In Connection Therewith, Allowing A Salaried
49 Foster Parent To Be An Employee Of A Child Placement
50 Agency.
51
52 Approved March 31, 2006 at 10:55 a.m.
53
54
- 55 **HB06-1210** Concerning The Addition Of A New Member To The
56 Colorado Recreational Trails Committee Who Represents

- 1 The State Board Of The Great Outdoors Colorado Trust
2 Fund.
3
4 Approved March 31, 2006 at 12:56 p.m.
5
6 **HB06-1239** Concerning Continuation Of The “Pesticide Applicators’
7 Act”.
8
9 Approved March 31, 2006 at 12:58 p.m.
10
11 **HB06-1242** Concerning The One Dollar Surcharge Collected On
12 Documents Received By A County Clerk And Recorder.
13
14 Approved March 31, 2006 at 12:58 p.m.
15
16 **HB06-1243** Concerning The Practice Of Chiropractic, And, In
17 Connection Therewith, Requiring Liability Insurance To
18 Cover All Acts Within The Scope Of Chiropractic Practice
19 And Allowing The State Board Of Chiropractic Examiners
20 To Impose A Fine On A Licensee In Lieu Of Suspending
21 A License.
22
23 Approved March 31, 2006 at 1:00 p.m.
24
25 **HB06-1254** Concerning Co-Ownership Of Real Property.
26
27 Approved March 31, 2006 at 10:50 a.m.
28
29 **HB06-1320** Concerning The Promotion Of The Lottery By The State
30 Lottery Division Director.
31
32 Approved March 31, 2006 at 10:50 a.m.
33
34 **HB06-1321** Concerning A Shortened Period For Completion Of
35 Sunrise Review Reports By The Department Of
36 Regulatory Agencies.
37
38 Approved March 31, 2006 at 10:50 a.m.
39
40 **HB06-1328** Concerning A Requirement That The Joint Budget
41 Committee And The Health And Human Services
42 Committees Of The General Assembly Meet Jointly To
43 Review The Use Of Tobacco Litigation Settlement
44 Moneys On Or Before A Specified Date.
45
46 Approved March 31, 2006 at 10:51 a.m.
47
48 **HB06-1340** Concerning An Exemption For Federally Regulated
49 Mining Operations From The Colorado “Explosives Act”.
50
51 Approved March 31, 2006 at 10:51 a.m.
52
53 **HB06-1341** Concerning The Unlawful Use Of Commercial Driver’s
54 Licenses.
55
56 Approved March 31, 2006 at 10:07 a.m.

- 1 **HB06-1368** Concerning A Supplemental Appropriation To The
2 Department Of Education.
3
4 Approved March 31, 2006 at 2:56 p.m.
5
6 **HB06-1370** Concerning A Supplemental Appropriation To The
7 Department Of Higher Education.
8
9 Approved March 31, 2006 at 10:07 a.m.
10
11 **HB06-1372** Concerning A Supplemental Appropriation To The
12 Department Of Public Health And Environment.
13
14 Approved March 31, 2006 at 10:07 a.m.
15
16 **HB06-1373** Concerning Construction Of Improvements At The
17 Colorado Mental Health Institute In Pueblo, And Making
18 An Appropriation Therefor.
19
20 Approved March 31, 2006 at 11:47 a.m.
21

22 Sincerely,
23 (signed)
24 Bill Owens
25 Governor

26 _____
27
28 March 31, 2006
29

30 The Honorable Colorado House of Representatives
31 Sixty-Fifth General Assembly
32 Second Regular Session
33 State Capitol
34 Denver, Colorado 80203
35

36 Ladies and Gentlemen:
37

38 I am filing with the Secretary of State House Bill 06-1369, "Concerning a
39 supplemental appropriation to the Department of Health Care Policy and
40 Financing." Approved in part and disapproved in part on March 31, 2006 at
41 2:10 p.m.
42

43 With regard to my veto in this bill, under article IV, section 12 of the Colorado
44 Constitution, I have the "power to disapprove of any item or items of any bill
45 making appropriations of money, embracing distinct items." I have exercised
46 this power with respect to a distinct item in House Bill 06-1369. Pursuant to
47 the Colorado Constitution, I have forwarded copies of the vetoed item from this
48 bill, with my objections, to the house of origin. In lining through this provision,
49 I have vetoed the following items, and this letter sets forth my reasons for doing
50 so.
51

52 I have lined through the following items in Section 1 of the bill, thereby vetoing
53 these provisions:
54

- 55 1. **Footnotes 37a, pages 6-7**, "Department of Health Care Policy and
56 Financing, Medical Service Premiums -- The calculations for this line

1 item include \$831,000 total funds for a 1.0 percent rate increase for
 2 inpatient hospital services provided to Medicaid clients. It is the intent
 3 of the General Assembly that the Medical Services Board adopt rules
 4 that increase each individual hospital's Medicaid reimbursement rate by
 5 1.0 percent for inpatient hospital services provided to Medicaid clients.
 6 The Department is also requested to provide a report to the Joint Budget
 7 Committee by June 1, 2006, on the status of the rules adopted by the
 8 Medical Services Board regarding this rate increase."
 9

10 This footnote is in violation of the Colorado Constitution, Article III
 11 and possibly Article V, Section 32, because it interferes with the ability
 12 of the executive branch to administer the appropriation and may
 13 constitute substantive legislation that cannot be included in the general
 14 appropriations bill. I will instruct the department to comply to the
 15 extent feasible.
 16

- 17 2. **Footnote 40a, page 7,** "Department of Health Care Policy and
 18 Financing, Medical Services Premiums -- The calculations for this line
 19 item include \$5,100,000 total funds for rate increases for long-term care
 20 community providers. It is the intent of the General Assembly that the
 21 Department increase rates as follows:
 22

23	Provider	Rate	Estimated
24	Class	Increase	Funding
25	Assisted Living Facilities	15.07%	\$1,142,490
26	Day Care Services	3.57%	\$46,367
27	Skilled Nursing	7.20%	\$567,960
28	Home Health Aides	4.20%	\$586,690
29	Physical Therapy	36.30%	\$286,990
30	Speech Therapy	35.90%	\$146,664
31	Occupational Therapy	29.20%	\$173,356
32	Private Duty Registered Nursing	3.80%	\$90,220
33	Private Duty Licensed Nursing	8.00%	\$90,218
34	Personal Care Homemaker	10.00%	\$1,846,514
35	All Other	2.57%	\$122,531
36	Total		\$5,100,000

37
 38 The Department is requested to report to the Joint Budget Committee
 39 by June 1, 2006 the rate plan that has been adopted by the Medical
 40 Services Board."
 41

42 This footnote is in violation of the Colorado Constitution, Article III
 43 and possibly Article V, Section 32, because it interferes with the ability
 44 of the executive branch to administer the appropriation and may
 45 constitute substantive legislation that cannot be included in the general
 46 appropriations bill.
 47

- 48 3. **Footnote 42a, page 7,** "Department of Health Care Policy and
 49 Financing, Medical Service Premiums -- The calculations for this line
 50 item includes \$309,000 total funds for a 2.0 percent rate increase for
 51 durable medical equipment rates. It is the intent of the General
 52 Assembly that the Medical Services Board adopt rules that increase
 53 each durable medical equipment rates by 2.0 percent. The Department
 54 is also requested to provide a report to the Joint Budget Committee by
 55 June 1, 2006, on the status of the rules adopted by the Medical Services
 56 Board regarding this rate increase."

1 This footnote is in violation of the Colorado Constitution, Article III
2 and possibly Article V, Section 32, because it interferes with the ability
3 of the executive branch to administer the appropriation and may
4 constitute substantive legislation that cannot be included in the general
5 appropriations bill. I will instruct the department to comply to the
6 extent feasible.

7
8 For these reasons, I have exercised the line item veto in House Bill 06-1369.

9
10 Sincerely,
11 (signed)
12 Bill Owens
13 Governor

14
15
16 March 31, 2006

17
18 The Honorable Colorado House of Representatives
19 Sixty-Fifth General Assembly
20 Second Regular Session
21 State Capitol
22 Denver, Colorado 80203

23
24 Ladies and Gentlemen:

25
26 I am filing with the Secretary of State House Bill 06-1371, "Concerning a
27 supplemental appropriation to the Department of Human Services." Approved
28 in part and disapproved in part on March 31, 2006, at 2:14 p.m.

29
30 It is my constitutional obligation to review the general appropriations bill and
31 all bills amending the general appropriations bill and exercise the line item veto
32 when necessary. While I have approved House Bill 06-1371 as a whole, I have
33 vetoed certain footnotes within the bill. Pursuant to the Colorado Constitution,
34 I have filed copies of the vetoed items from this bill, with my objections, with
35 the Secretary of State.

36
37 I have lined through the following items in Section 1 of the bill, thereby vetoing
38 these provisions:

39
40 **1. Footnote 75b, page 8,** "Department of Human Services, Services for
41 People with Disabilities, Developmental Disability Services,
42 Community Services, Adult Program Costs and Services for Children
43 and Families, Program Funding – The Department is requested to
44 provide a report to the Joint Budget Committee by November 1, 2006,
45 concerning the distribution of new adult comprehensive resources, adult
46 supported living service resources, and children's early intervention
47 resources provided effective April 1, 2006. It is the intent of the
48 General Assembly that, in distributing such new resources, the
49 Department take into consideration, among other factors, the need to
50 reduce inequities among community centered boards in rates paid by the
51 State and numbers of resources allocated per capita of the general
52 population."

53
54 This footnote is in violation of the Colorado Constitution, Article III
55 and possibly Article V, Section 32, because it interferes with the ability
56 of the executive branch to administer the appropriation and may

1 constitute substantive legislation that cannot be included in an
2 appropriations bill. While I agree with the need to reduce inequities
3 among community centered boards, this footnote represents an
4 unfunded administrative mandate. However, I will instruct the
5 department to comply to the extent feasible.
6

- 7 **2. Footnote 77b, page 8,** “Department of Human Services, Services for
8 People with Disabilities, Division of Vocational Rehabilitation,
9 Independent Living Centers and State Independent Living Council –
10 The Department is requested to provide a report to the Joint Budget
11 Committee, by October 1, 2006, concerning the distribution of new
12 General Fund support for independent living centers that is provided
13 effective April 1, 2006. The report is requested to include information
14 on: (1) How the new funding is proposed to be allocated among the
15 independent living centers in FY 2005-06, FY 2006-07, and future
16 years, taking into consideration catchment areas served and other
17 relevant factors; and (2) how the impact of such new funding is
18 proposed to be measured, including what data will be submitted by
19 independent living centers to demonstrate service outcomes.”
20

21 This footnote is in violation of the Colorado Constitution, Article III
22 and possibly Article V, Section 32, because it interferes with the ability
23 of the executive branch to administer the appropriation and may
24 constitute substantive legislation that cannot be included in an
25 appropriations bill. I will instruct the department to comply to the
26 extent feasible.
27

28 For these reasons, I have exercised my power to veto certain portions of House
29 Bill 06-1371.
30

31 Sincerely,
32 (signed)
33 Bill Owens
34 Governor
35

36 _____
37 March 31, 2006
38

39 The Honorable Colorado House of Representatives
40 Sixty-fifth General Assembly
41 Second Regular Session
42 State Capitol
43 Denver, CO 80203
44

45 Ladies and Gentlemen:
46

47 I am returning to the General Assembly House Bill 06-1374, “Concerning the
48 funding of public school capital construction, and, in connection therewith,
49 making appropriations to fund public school capital construction for the 2005-
50 06 fiscal year.” I vetoed this bill as of 3:07 p.m. today and this letter sets forth
51 my reasons for doing so.
52

53 There should be no doubt that I support meeting the State’s obligation to the
54 *Giardino* settlement. Along with the Legislature, I am committed to allocating
55 new resources this year to the capital construction needs of K-12 schools across
56 Colorado.

1 My budget proposal requested \$20 million in a supplemental for the *Giardino*
2 settlement. The Joint Budget Committee never took action on my request. In
3 addition, I supported Senate Bill 06-82, which would have allocated \$20 million
4 in the same fashion as the supplemental request. Other supporters of S.B.82
5 included the Colorado Education Association. Regrettably, S.B.82 failed on a
6 party-line vote.

7
8 House Bill 1374 is the wrong way to meet our obligations because of how the
9 spending is calculated relative to our six percent spending limit. House Bill
10 1374 appropriates \$10 million under the limit, but also appropriates \$10 million
11 above the limit. This amount above the limit permanently raises our spending
12 base, and thus allows higher spending in FY 2006-07. This is because our
13 spending cap is based on the prior year's level. Thus, a higher base in FY 2005-
14 06 means a higher base in FY 2006-07 and each year thereafter.

15
16 We must remember that it is only because the voters approved Referendum C
17 that we can afford to make any new resources available to the *Giardino*
18 settlement. However, we should not grow our spending base when there are
19 resources available under the limit to make the expenditure. At this time, there
20 is room within the existing limit to make a meaningful payment to the *Giardino*
21 settlement without reducing expenditures to any programs.

22
23 By putting these expenditures above the six percent limit, the base budget is
24 permanently raised, which makes our budget more difficult to manage should
25 we have another downturn. This action also crowds out resources for capital
26 construction and transportation. In recent years, the Legislature has taken steps
27 to maximize the expenditures under the limit and I thus do not support further
28 measures to increase the limit.

29
30 On this subject, I believe we are mostly in agreement. For the first time since
31 FY 2001-02, revenues are now sufficient to meet the terms of the settlement for
32 required payments. The State must hold up its end of the deal.

33
34 In the remaining time in this legislative session, I look forward to working with
35 the General Assembly to appropriate a meaningful amount of resources to the
36 *Giardino* settlement within our six percent spending limit.

37
38 For these reasons, I vetoed House Bill 1374.

39
40 Sincerely,
41 (signed)
42 Bill Owens
43 Governor

44 45 46 47 **LAY OVER OF CALENDAR ITEMS**

48
49 On motion of Representative Schultheis, the following items on the
50 Calendar were laid over until April 4, retaining place on Calendar:

51
52 Consideration of Third Reading--**SB06-041**.
53 Consideration of General Orders--**SB06-051, HB06-1096, 1314,**
54 **HCR06-1001, SB06-067, HB06-1322, SB06-114, 066.**
55 Consideration of Resolutions--**HJR06-1016, 1020, HR06-1008,**
56 **SJR06-013, 018, HJR06-1021.**

1 Consideration of Memorials--**SJM06-002, HJM06-1002**
2 Consideration of Senate Amendments--**HB06-1125, 1120, 1249, 1299,**
3 **1354, 1051, 1109, 1209, 1251, 1288, 1357.**
4 Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023.**

5
6
7

8 On motion of Representative McFadyen, the House adjourned until
9 9:00 a.m., April 4, 2006.

10
11
12
13

Approved:
ANDREW ROMANOFF,
Speaker

14 Attest:
15 MARILYN EDDINS,
16 Chief Clerk