

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

Sixty-fifth Legislative Day

Thursday, March 16, 2006

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.
 2

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

5 Pledge of Allegiance led by Daniel Arsenault, Highlands Ranch.
 6

7 The roll was called with the following result:
 8

9 Present--63.

10 Excused--Representatives Madden, McGihon--2.

11 Present after roll call--Representatives Madden, McGihon.
 12

13 The Speaker declared a quorum present.
 14
 15

16 On motion of Representative Liston, the reading of the journal of
 17 March 15, 2006, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.
 19
 20

THIRD READING OF BILLS--FINAL PASSAGE

21
 22
 23 The following bills were considered on Third Reading. The titles were
 24 publicly read. Reading of the bill at length was dispensed with by
 25 unanimous consent.
 26

27 **SB06-121** by Senator(s) Sandoval; also Representative(s) Riesberg--
 28 Concerning surrogate decision-makers for health care
 29 benefits.
 30

31 The question being "Shall the bill pass?".

32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.
 35

	YES	58	NO	07	EXCUSED	00	ABSENT	00
37	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
38	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
39	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
40	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	N
41	Boyd	Y	Gardner	N	Madden	Y	Schultheis	Y
42	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
43	Butcher	Y	Hall	Y	Massey	Y	Soper	Y

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

11 Co-sponsors added: Representatives Frangas, Todd.

12
13 **SB06-134** by Senator(s) Sandoval; also Representative(s) Boyd--
14 Concerning resource limitations as a condition of
15 eligibility for the Colorado works program.

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 Boyd
19 was given permission to offer a Third Reading amendment:

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

39
40 **Third Reading amendment No. 1**, by Representative Boyd.

41 Amend revised bill, page 3, line 7, strike "PRIMARY OR";

42
43 line 9, after "AND", insert "BURIAL".

44
45 The amendment was declared **passed** by the following roll call vote:

48	YES	65	NO	00	EXCUSED	00	ABSENT	00
49	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
50	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
51	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
52	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
53	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
54	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
55	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
56	Cadman	Y	Harvey	Y	May	Y	Stafford	Y

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

10

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

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

15

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

34 Co-sponsors added: Representatives Benefield, Borodkin, Carroll M, Coleman,
 35 Frangas, Gallegos, Hodge, Lindstrom, Madden, Marshall, McGihon, Merrifield,
 36 Riesberg, Todd, Vigil.

37

38 **HB06-1060** by Representative(s) Rose, Larson, Penry; also Senator(s)
 39 Entz, Brophy--Concerning the agriculture and livestock
 40 exemption from the sales and use tax.

41

42 The question being "Shall the bill pass?".

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

46

47	YES	55	NO	10	EXCUSED	00	ABSENT	00
48	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
49	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	N
50	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
51	Borodkin	Y	Garcia	N	Lundberg	Y	Rose	Y
52	Boyd	Y	Gardner	Y	Madden	N	Schultheis	Y
53	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
54	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
55	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
56	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y

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

9 Co-sponsors added: Representatives Clapp, Crane, Kerr.

10
 11 **HB06-1201** by Representative(s) Plant, White, Buescher, Curry,
 12 Lindstrom, Borodkin, Larson, Madden; also Senator(s)
 13 Taylor, Isgar, Fitz-Gerald, Tapia, Veiga--Concerning the
 14 proportion of limited gaming revenues designated for the
 15 promotion of tourism in the state, and making an
 16 appropriation therefor.

17
 18 The question being "Shall the bill pass?".
 19 A roll call vote was taken. As shown by the following recorded vote, a
 20 majority of those elected to the House voted in the affirmative and the bill
 21 was declared **passed**.

22	YES	54	NO	11	EXCUSED	00	ABSENT	00
24	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
25	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
26	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
27	Borodkin	Y	Garcia	N	Lundberg	N	Rose	Y
28	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
29	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
30	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
31	Cadman	N	Harvey	Y	May	Y	Stafford	Y
32	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
33	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
34	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
35	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
36	Cloer	Y	Judd	N	Merrifield	Y	Weissmann	Y
37	Coleman	Y	Kerr	N	Paccione	Y	Welker	N
38	Crane	Y	King	N	Penry	Y	White	Y
39	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
40							Speaker	Y

41 Co-sponsors added: Representatives Benefield, Berens, Boyd, Butcher,
 42 Carroll M, Crane, Gallegos, Hall, Hoppe, Jahn, Massey, May, McGihon, Penry,
 43 Riesberg, Rose, Solano, Stafford, Todd, Vigil.

44
 45 **HB06-1310** by Representative(s) Buescher, Plant, Hall; also Senator(s)
 46 Owen, Tapia, Keller--Concerning simplifying procedures
 47 for distributing tobacco settlement moneys among the
 48 programs currently receiving the moneys, and making an
 49 appropriation in connection therewith.

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**.

	YES	65	NO	00	EXCUSED	00	ABSENT	0
1								
2	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
3	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
4	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
5	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
6	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
7	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
8	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
9	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
10	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
11	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
12	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
13	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
14	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
15	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
16	Crane	Y	King	Y	Penry	Y	White	Y
17	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Benefield, Madden, McGihon, Solano,
20 Sullivan, Todd.

21

22

23 **SB06-108** by Senator(s) Hagedorn; also Representative(s) Hefley--
24 Concerning the early discharge of juveniles from parole.

25

26 The question being "Shall the bill pass?".

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

30

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

49 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Carroll T,
50 Frangas, Gallegos, Green, Harvey, Jahn, Madden, May, McFadyen, McGihon,
51 Merrifield, Solano, Stafford, Stengel, Todd.

52

53

54

55

1 On motion of Representative Vigil, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and he was
3 called to the Chair to act as Chairman.

4

5

6

7

GENERAL ORDERS--SECOND READING OF BILLS

8

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

13

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

16

17 **HB06-1278** by Representative(s) Weissmann; also Senator(s) Keller--
18 Concerning the public reporting of hospital statistics by
19 means of a hospital report card.

20

21 Amendment No. 1, Health and Human Services Report, dated February
22 22, 2006, and placed in member's bill file; Report also printed in House
23 Journal, February 22, page 488.

24

25 Amendment No. 2, Appropriations Report, dated March 10, 2006, and
26 placed in member's bill file; Report also printed in House Journal, March
27 10, page 701.

28

29 Amendment No. 3, by Representative King.

30

31 Amend printed bill, page 7, line 17, after the period, add "AT NO TIME
32 SHALL THE FEE BE HIGHER THAN WHAT IS NECESSARY TO IMPLEMENT THE
33 REPORT REQUIRED PURSUANT TO THIS PART 6."

34

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

37

38 **HB06-1293** by Representative(s) Hoppe; also Senator(s) Grossman--
39 Concerning the fees assessed on the review of water plans
40 required for open mining of sedimentary stone particulates
41 used in construction materials.

42

43 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
44 dated February 20, 2006, and placed in member's bill file; Report also
45 printed in House Journal, February 21, page 443.

46

47 Amendment No. 2, Appropriations Report, dated March 10, 2006, and
48 placed in member's bill file; Report also printed in House Journal, March
49 10, page 702.

50

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

53

54 **SB06-055** by Senator(s) Jones; also Representative(s) Garcia--
55 Concerning reports of assaults in schools.

56

- 1 Amendment No. 1, by Representative Garcia.
2
3 Amend reengrossed bill, page 2, line 24, strike "and Disruptive Conduct";
4
5 line 27, strike "(1) (a), (1) (c), and".
6
7 Page 5, line 9, strike "(1) (a), (1) (c), OR".
8
9 Page 6, line 6, strike ""ASSAULTS AND VEHICULAR ASSAULTS"" and
10 substitute ""FELONY ASSAULTS"";
11
12 line 7, strike "AND DISRUPTIVE CONDUCT".
13
14 As amended, ordered revised and placed on the Calendar for Third
15 Reading and Final Passage.
16
17 **SB06-006** by Senator(s) Takis, Hanna, Taylor; also Representative(s)
18 White, Coleman, Schultheis, Vigil--Concerning the
19 authority of the public employees' retirement association
20 to deny employment to individuals convicted of specified
21 offenses.
22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.
25
26 **SB06-014** by Senator(s) Taylor, Hanna; also Representative(s) White,
27 Coleman, Schultheis, Vigil--Concerning the regulation of
28 entities subject to the real estate commission.
29
30 Amendment No. 1, by Representative Penry.
31
32 Amend printed bill, page 3, strike lines 4 through 27.
33
34 Page 4, strike lines 1 through 6.
35
36 Renumber succeeding section accordingly.
37
38 As amended, ordered revised and placed on the Calendar for Third
39 Reading and Final Passage.
40
41 **SB06-107** by Senator(s) Johnson, Shaffer; also Representative(s)
42 Boyd--Concerning the authorization of small employer
43 carriers to vary certain requirements by product.
44
45 Ordered revised and placed on the Calendar for Third Reading and Final
46 Passage.
47
48 **SB06-180** by Senator(s) Isgar; also Representative(s) Green--
49 Concerning the premium rates charged for coverage under
50 CoverColorado.
51
52 Ordered revised and placed on the Calendar for Third Reading and Final
53 Passage.
54
55
56
-

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

2
3 Passed Second Reading: **HB06-1278 amended, 1293 amended,**
4 **SB06-055 amended, 006, 014 amended, 107, 180.**

5
6 The Chairman moved the adoption of the Committee of the Whole
7 Report. As shown by the following roll call vote, a majority of those
8 elected to the House voted in the affirmative, and the Report was
9 **adopted.**

10
11

	YES	63	NO	00	EXCUSED	00	ABSENT	02
12	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
13	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
14	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
15	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
16	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
17	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
18	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
19	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
20	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
21	Carroll T	-	Hodge	Y	McFadyen	Y	Sullivan	Y
22	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
23	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
24	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
25	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
26	Crane	Y	King	Y	Penry	-	White	Y
27	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
28							Speaker	Y

29
30
31

32 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

33
34 **HB06-1215** by Representative(s) Plant, Buescher, Hall; also Senator(s)
35 Tapia, Keller, Owen--Concerning a supplemental
36 appropriation to the department of education.

37
38 (Conference Committee Report printed in House Journal, March 10,
39 page 713.)

40
41 On motion of Representative Plant, the Conference Committee Report
42 was **adopted** by the following roll call vote:

43
44

	YES	64	NO	00	EXCUSED	00	ABSENT	01
45	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
46	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
47	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
48	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
49	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
50	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
51	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
52	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
53	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
54	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
55	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
56	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y

1	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
2	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
3	Crane	Y	King	-	Penry	Y	White	Y
4	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
5							Speaker	Y

6
7 The question being "Shall the bill, as amended, pass?".
8 A roll call vote was taken. As shown by the following recorded vote, a
9 majority of those elected to the House voted in the affirmative and the
10 bill, as amended, was declared **repassed**.

11	YES	47	NO	18	EXCUSED	00	ABSENT	00
12	Balmer	N	Decker	N	Larson	Y	Pommer	Y
13	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
14	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
15	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
16	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
17	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
18	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
19	Cadman	N	Harvey	N	May	Y	Stafford	N
20	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
21	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
22	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
23	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
24	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
25	Coleman	Y	Kerr	N	Paccione	Y	Welker	N
26	Crane	N	King	N	Penry	Y	White	Y
27	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
28							Speaker	Y

29
30 Co-sponsor added: Representative Borodkin.

31
32
33 On motion of Representative Madden, **SB06-145, 102, 039** were added
34 to the Special Orders Calendar on Thursday, March 16, 2006.

35
36
37 On motion of Representative Vigil, the House resolved itself into
38 Committee of the Whole for consideration of Special Orders and he was
39 called to the Chair to act as Chairman.

40 41 42 **SPECIAL ORDERS--SECOND READING OF BILLS**

43
44 The Committee of the Whole having risen, the Chairman reported the
45 titles of the following bills had been read (reading at length had been
46 dispensed with by unanimous consent), the bills considered and action
47 taken thereon as follows:

48
49 (Amendments to the committee amendment are to the printed committee
50 report which was printed and placed in the members' bill file.)

51
52 **SB06-145** by Senator(s) Shaffer, Hagedorn; also Representative(s)
53 McCluskey, Butcher--Concerning the authority of a local
54 government to impose a fee on certain medical providers
55 for purposes of obtaining federal financial participation
56 under medicaid for unreimbursed medicaid costs.

1 Amendment No. 1, Health and Human Services Report, dated March 13,
2 2006, and placed in member's bill file; Report also printed in House
3 Journal, March 15, pages 768-769.

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

7
8 **SB06-102** by Senator(s) Williams, Hagedorn, Shaffer, Evans, Isgar,
9 Kester; also Representative(s) Larson, Benefield, Berens,
10 Madden, McCluskey, Merrifield, Todd, Massey, White--
11 Concerning limited criminal immunity for licensed
12 medical caregivers who with consent provide palliative
13 care to terminally ill patients.

14
15 Amendment No. 1, by Representative Larson.

16
17 Amend reengrossed bill, page 2, line 10, strike "SPEAK FOR" and
18 substitute "REPRESENT THE INTERESTS OF".

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

22
23 **SB06-039** by Senator(s) Tochtrop, Entz, Taylor, Williams; also
24 Representative(s) McGihon, Berens, Cerbo, McCluskey,
25 Ragsdale, Vigil--Concerning the partial entry into the fire
26 and police pension association defined benefit system by
27 members of money purchase plans where all future
28 eligible employees are required to participate in the
29 defined benefit system.

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

34
35
36
37
38 Passed Second Reading: **SB06-145 amended, 102 amended, 039.**

39
40 The Chairman moved the adoption of the Committee of the Whole
41 Report. As shown by the following roll call vote, a majority of those
42 elected to the House voted in the affirmative, and the Report was
43 **adopted.**

YES	65	NO	00	EXCUSED	00	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
Buescher	Y	Green	Y	Marshall	Y	Solano	Y
Butcher	Y	Hall	Y	Massey	Y	Soper	Y
Cadman	Y	Harvey	Y	May	Y	Stafford	Y
Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y

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

7
8
9
10 **REPORTS OF COMMITTEES OF REFERENCE**

11
12 **BUSINESS AFFAIRS & LABOR**

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

15
16 **SB06-112** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:
19

20 Amend reengrossed bill, page 2, line 7, strike the second "A" and
21 substitute "THE INSURED PAYS THE AMOUNT CHARGED FOR A COVERED
22 HEALTHCARE SERVICE AND SEEKS REIMBURSEMENT FROM A CARRIER FOR
23 SUCH";

24
25 line 8, strike "SERVICE IS PROVIDED," and substitute "SERVICE,";

26
27 line 11, strike "NOTIFIES" and substitute "SEEKS REIMBURSEMENT FROM".
28
29
30

31 **SB06-187** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:
34

35 Amend reengrossed bill, page 3, line 9, strike "of the" and substitute "of
36 the".
37

38 Page 12, line 1, after "NAME", insert "RENEWAL";
39

40 after line 26, insert the following:
41

42 "SECTION 17. Article 71 of title 7, Colorado Revised Statutes,
43 is amended BY THE ADDITION OF THE FOLLOWING NEW
44 SECTIONS to read:
45

46 **7-71-111. Affidavit or certification recorded before July 1,**
47 **1985.** ANY AFFIDAVIT OR CERTIFICATION RECORDED PURSUANT TO
48 SECTION 7-71-101 (1) (a) OR (7) PRIOR TO JULY 1, 1985, SHALL CONTINUE
49 TO CONSTITUTE PRIMA FACIE EVIDENCE OF THE FACTS RECITED THEREIN
50 INSOFAR AS THE SAME AFFECT TITLE TO REAL PROPERTY.
51

52 **7-71-112. Affidavit or certification recorded pursuant to**
53 **24-35-301 (1.5), C.R.S.** ANY AFFIDAVIT RECORDED PURSUANT TO
54 SECTION 24-35-301 (1.5), C.R.S., PRIOR TO ITS REPEAL, SHALL CONTINUE
55 TO CONSTITUTE PRIMA FACIE EVIDENCE OF THE FACTS RECITED THEREIN
56 INSOFAR AS THE SAME AFFECT TITLE TO REAL PROPERTY."

1 Renumber succeeding sections accordingly.

2

3 Page 14, line 25, strike "subsection (2)" and substitute "~~subsection (2)~~
4 SUBSECTIONS (1.5), (2), OR (3)".

5

6 Page 43, line 25, strike "any" and substitute "~~any~~ EACH".

7

8 Page 59, strike lines 15 through 21 and substitute the following:

9

10 "**officers.** (5) A DIRECTOR OR OFFICER OF A CORPORATION, IN THE
11 PERFORMANCE OF DUTIES IN THAT CAPACITY, SHALL NOT HAVE ANY
12 FIDUCIARY DUTY TO ANY CREDITOR OF THE CORPORATION ARISING ONLY
13 FROM THE STATUS AS A CREDITOR."

14

15 Page 60, line 4, after "articles", insert "A".

16

17 Page 62, strike lines 23 through 27 and substitute the following:

18

19 "**officers.** (5) A DIRECTOR OR OFFICER OF A NONPROFIT CORPORATION, IN
20 THE PERFORMANCE OF DUTIES IN THAT CAPACITY, SHALL NOT HAVE ANY
21 FIDUCIARY DUTY TO ANY CREDITOR OF THE NONPROFIT CORPORATION
22 ARISING ONLY FROM THE STATUS AS A CREDITOR."

23

24 Page 63, strike lines 1 and 2.

25

26 Page 66, strike lines 8 and 9 and substitute the following:

27

28 "**SECTION 88. Effective date.** Sections 14, 15, 16, 51, 52, 56,
29 57, and 58 of this act shall take effect May 30, 2006, and the remainder
30 of this act shall take effect July 1, 2006."

31

32

33

34

35 FINANCE

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

38

39 **SB06-070** be referred to the Committee of the Whole with favorable
40 recommendation.

41

42

43 **SB06-124** be referred to the Committee of the Whole with favorable
44 recommendation.

45

46

47 **SB06-126** be referred favorably to the Committee on Appropriations.

48

49

50

51

52 HEALTH & HUMAN SERVICES

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

55

56 **HB06-1367** be postponed indefinitely.

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **HB06-1096** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 10, strike "(I)";

10
11 line 17, strike "AND";

12
13 strike line 21 and substitute the following:

14
15 "SUBSECTION (1); AND

16
17 (c) NOT LESS THAN TWENTY PERCENT OF THE ELIGIBLE ELECTORS
18 RESIDING WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR THE AREA
19 TO BE INCLUDED WITHIN THE SPECIAL DISTRICT HAVE CAST A BALLOT IN
20 EACH OF TWO CONSECUTIVE REGULAR SPECIAL DISTRICT ELECTIONS
21 SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION
22 (1).

23
24 (2) ANY PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A
25 CONTRACT TO PURCHASE TAXABLE PROPERTY SITUATED WITHIN THE
26 BOUNDARIES OF THE SPECIAL DISTRICT OR THE AREA TO BE INCLUDED
27 WITHIN THE SPECIAL DISTRICT SHALL NOT BE CONSIDERED AN OWNER
28 SOLELY BY REASON OF SUCH CONTRACT FOR PURPOSES OF SATISFYING THE
29 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION."

30
31
32
33 **HB06-1099** be postponed indefinitely.

34
35
36 **HB06-1208** be amended as follows, and as so amended, be referred to
37 the Committee on Appropriations with favorable
38 recommendation:

39
40 Amend printed bill, page 3, line 24, strike "TWENTY-FIVE" and substitute
41 "TEN" and, strike "ONE HUNDRED" and substitute "FORTY".

42
43
44
45 **HB06-1314** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48
49 Amend printed bill, page 2, line 2, strike "Part 1 of article 2 of title 8,"
50 and substitute "Part 4 of article 34 of title 24,";

51
52 line 5, strike "8-2-108.5." and substitute "24-34-407.";

53
54 line 23, after "OR", insert "REQUIRE EMPLOYEES".

55
56 Page 4, line 5, after, "OR", insert "REQUIRING ITS EMPLOYEES".

1 **HB06-1366** be referred favorably to the Committee on Appropriations.

2

3

4 **HCR06-1001** be amended as follows, and as so amended, be referred to
5 the Committee of the Whole with favorable
6 recommendation:

7

8 Amend printed concurrent resolution, page 2, line 10, after "RIGHTS,"
9 insert "WITHOUT THE CONSENT OF THE OWNER OF THE PROPERTY,".

10

11 Page 3, strike lines 13 through 16 and substitute the following:

12

13 "to any legislative assertion that the use is public. AS USED IN THIS
14 SUBSECTION (2), THE";

15

16 strike lines 24 and 25 and substitute the following:

17

18 "REMEDY CONDITIONS THAT ARE INJURIOUS TO THE PUBLIC HEALTH OR
19 SAFETY TO THE EXTENT THAT ELIMINATION OF SUCH CONDITIONS IS
20 ESSENTIAL. THE".

21

22 Page 4, line 2, strike "SECTION." and substitute "SECTION IN THE ABSENCE
23 OF CONDITIONS THAT ARE INJURIOUS TO THE PUBLIC HEALTH OR SAFETY
24 TO THE EXTENT THAT ELIMINATION OF SUCH CONDITIONS IS ESSENTIAL. A
25 CONDEMNOR WHO EXERCISES THE POWER OF EMINENT DOMAIN PURSUANT
26 TO THIS PARAGRAPH (b) SHALL ESTABLISH BY CLEAR AND CONVINCING
27 EVIDENCE THAT SUCH EXERCISE SATISFIES THE DEFINITION OF PUBLIC USE
28 AS SPECIFIED IN THIS PARAGRAPH (b).";

29

30 strike lines 5 through 7 and substitute the following:

31

32 "OF THIS ARTICLE, FOR A RIGHT-OF-WAY FOR A DITCH, CANAL, OR FLUME
33 AS PROVIDED UNDER SECTION 7 OF ARTICLE XVI OF THIS CONSTITUTION,
34 OR FOR OTHER PURPOSES AS AUTHORIZED BY SUBSECTION (2) OF THIS
35 SECTION.";

36

37 line 14, strike "ENTITY ESTABLISHES BY CLEAR AND";

38

39 line 15, strike "CONVINCING EVIDENCE THAT THE".

40

41 Page 1, line 106, strike "ENTITY";

42

43 strike line 107.

44

45

46

47 **SB06-154** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50

51 Amend reengrossed bill, page 10, after line 25, insert the following:

52 "(XXX) A WATER ACTIVITY ENTERPRISE, AS DEFINED IN SECTION
53 37-45.1-102 (4), C.R.S., EXERCISING THE LEGAL AUTHORITY TO EXERCISE
54 THE POWER OF EMINENT DOMAIN OF THE DISTRICT THAT OWNS IT IN
55 RELATION TO A WATER ACTIVITY, AS DEFINED IN SECTION 37-45.1-102 (3),
56 C.R.S., AS AUTHORIZED IN SECTION 37-45.1-103 (4), C.R.S.;"

1 Renumber succeeding subparagraphs accordingly.

2

3 Page 12, line 6, after "AUTHORIZING", insert "PROVISION OF THE STATE
4 CONSTITUTION OR";

5

6 after line 6, insert the following:

7 "(a) A PERSON OR CORPORATION THAT NEEDS TO EXERCISE THE
8 POWER OF EMINENT DOMAIN IN ORDER TO ACQUIRE ANY RIGHT-OF-WAY
9 ACROSS PUBLIC, PRIVATE, OR CORPORATE LANDS FOR THE CONSTRUCTION
10 OF DITCHES, CANALS, AND FLUMES FOR THE PURPOSES OF CONVEYING
11 WATER FOR DOMESTIC PURPOSES, FOR THE IRRIGATION OF AGRICULTURAL
12 LANDS, FOR MINING AND MANUFACTURING PURPOSES, OR FOR DRAINAGE,
13 AS AUTHORIZED IN SECTION 7 OF ARTICLE XVI OF THE STATE
14 CONSTITUTION;".

15

16 Reletter succeeding paragraphs accordingly.

17

18

19

PRINTING REPORT

20

21 The Chief Clerk reports the following bill has been correctly printed:
22 **HB06-1379**.

23

24

25

House in recess. House reconvened.

26

27

28

REPORTS OF COMMITTEES OF REFERENCE

29

FINANCE

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

33

34 **HB06-1347** be referred favorably to the Committee on Appropriations.

35

36

37 **SB06-116** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41

42

TRANSPORTATION & ENERGY

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

46

47 **SB06-008** be referred favorably to the Committee on Appropriations.

48

49

50 **SB06-010** be referred to the Committee of the Whole with favorable
51 recommendation.

52

53

54 **SB06-094** be referred favorably to the Committee on Appropriations.

55

56

1 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
2 **on HB06-1175**

3
4 This Report Amends the Reengrossed Bill.

5
6 To the President of the Senate and the
7 Speaker of the House of Representatives:

8
9 Your first conference committee appointed on HB06-1175,
10 concerning enactment of the "Colorado Clean Indoor Air Act", and, in
11 connection therewith, prohibiting smoking in indoor enclosed areas,
12 including places of employment, has met and reports that it has agreed
13 upon the following:

14
15 That the Senate recede from its amendments made to the bill and
16 that the reengrossed bill be adopted without change.

17
18 Respectfully submitted,

19 House Committee:

20 Mike May
21 Betty Boyd
22 Jack Pommer

Senate Committee:

20 Dan Grossman
21 Peter Groff
22 John Evans

23
24
25
26 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

27
28 The Speaker has signed: **HB06-1033, 1039, 1048, 1068, 1143, 1181.**

29
30
31
32 **DELIVERY OF BILLS TO GOVERNOR**

33
34 The Chief Clerk of the House of Representatives reports the following
35 bills have been delivered to the Office of the Governor: **HB06-1031,**
36 **1040, 1069, 1079, 1177, 1187, 1265** at 2:37 p.m., on March 16, 2006.

37
38
39
40 **MESSAGES FROM THE SENATE**

41
42 The Senate has adopted and transmits herewith: SJR06-013.

43
44
45 The Senate has adopted the First Report of the First Conference
46 Committee on HB06-1175, as printed in Senate Journal, March 16, 2006,
47 and repassed the bill as amended. The bill is returned herewith.

48
49
50 The Senate voted to recall HB06-1051, for purposes of reconsideration,
51 and requests the return of the bill.

52
53 The Senate has passed on Third Reading and returns herewith
54 HB06-1080, HB06-1195.

55
56

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes: SB06-194,
3
4 SB06-188 amended as printed in Senate Journal, March 15, 2006,
5 page 502,
6 HB06-1141 amended as printed in Senate Journal, March 15, 2006,
7 page 501,
8 HB06-1084 amended as printed in Senate Journal, March 15, 2006, page
9 501, and amended on Third Reading, March 16, 2006, as
10 printed in the Senate Journal,
11 HB06-1204 amended as printed in Senate Journal, March 15, 2006,
12 page 502,
13 HB06-1239 amended as printed in Senate Journal, March 15, 2006,
14 page 502.
15

MESSAGE FROM THE REVISOR

17
18
19
20 We herewith transmit:
21 Without comment, SB06-194.
22 Without comment, as amended, HB06-1141, 1084, 1204, and 1239.
23 Without comment, as amended, SB06-188.
24

INTRODUCTION OF BILLS First Reading

25
26
27
28
29
30 The following bills were read by title and referred to the committees
31 indicated:

32
33 **SB06-188** by Senator(s) Evans; also Representative(s) Hodge--
34 Concerning the central filing of an effective financing
35 statement, and making an appropriation therefor.
36 Committee on Business Affairs and Labor
37 Committee on Appropriations
38
39 **SB06-194** by Senator(s) Tochtrop; also Representative(s) McFadyen--
40 Concerning the authority of the wildlife commission to issue
41 youth hunting licenses.
42 Committee on Agriculture, Livestock, & Natural Resources
43

INTRODUCTION OF RESOLUTION

44
45
46
47
48 The following resolution was read by title and laid over one day under the
49 rules:

50
51 **SJR06-013** by Senator(s) Hanna; also Representative(s) Kerr--
52 Concerning the promotion of suicide education programs in
53 higher education.
54
55

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CHANGE IN SPONSORSHIP

Speaker Romanoff announced that Representative Boyd was removed as a sponsor on **SB06-114**.



LAY OVER OF CALENDAR ITEMS

On motion of Representative Madden, the following items on the Calendar were laid over until March 17, retaining place on Calendar:

- Consideration of Special Orders--**HB06-1280, 1327**.
- Consideration of General Orders--**HB06-1352, SB06-115**.
- Consideration of Resolutions--**HJR06-1015, 1016, 1019**.
- Consideration of Memorial--**HM06-1002**.
- Consideration of Senate Amendments--**HB06-1125, 1087, 1093, 1242, 1112, 1156, 1106, 1103, 1159**.
- Consideration of Governor's Veto--**HB06-1216**.



On motion of Representative Witwer, the House adjourned until 9:00 a.m., March 17, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk