

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

One hundred-fourth Legislative Day Monday, April 24, 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 Major Tom Scheffel, Squadron Commander,
6 Civil Air Patrol.
7
8 The roll was called with the following result:
9
10 Present--64.
11 Excused--Representative Paccione--1.
12
13 The Speaker declared a quorum present.
14
15
16 On motion of Representative Sullivan, the reading of the journal of
17 April 21, 2006, was declared dispensed with and approved as corrected
18 by the Chief Clerk.
19
20
21

THIRD READING OF BILLS--FINAL PASSAGE

22
23
24 The following bills were considered on Third Reading. The titles were
25 publicly read. Reading of the bill at length was dispensed with by
26 unanimous consent.
27
28 **HCR06-1001** by Representative(s) White, Larson, Stafford, Coleman,
29 Paccione, May M., Balmer, Buescher, Cadman, Carroll
30 M., Clapp, Cloer, Crane, Curry, Gallegos, Gardner, Hall,
31 Harvey, Hefley, Hoppe, Jahn, Kerr, Knoedler, Lundberg,
32 Massey, McKinley, Penry, Rose, Schultheis, Stengel,
33 Welker; also Senator(s) Tochtrop, Teck, Kester, Spence,
34 Taylor--Submitting to the registered electors of the state of
35 Colorado an amendment to section 15 of article II of the
36 constitution of the state of Colorado, concerning the taking
37 of private property, and, in connection therewith,
38 prohibiting private property from being taken by a
39 condemning entity unless the taking is for a public use,
40 providing a definition of public use that excludes the
41 benefits of economic development, and prohibiting private
42 property from being taken by a private party except in
43 limited circumstances.

1 Representative White moved that the concurrent resolution be laid over
 2 until May 11, 2006. The motion was **passed** by the following roll call
 3 vote:

	YES	60	NO	04	EXCUSED	01	ABSENT	00
6	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
7	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
8	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
9	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
10	Buescher	Y	Green	N	Madden	Y	Schultheis	Y
11	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
12	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
13	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
14	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
15	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
16	Clapp	Y	Jahn	Y	McGihon	N	Todd	Y
17	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
18	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	N
19	Crane	Y	Kerr J	Y	Paccione	E	Welker	Y
20	Curry	Y	King	Y	Penry	Y	White	Y
21	Decker	Y	Knoedler	Y	Plant	N	Witwer	Y
22							Speaker	Y

23 HCR06-1001 was deemed lost.

24
 25 **SB06-211** by Senator(s) Grossman; also Representative(s) Witwer--
 26 Concerning the determination of dual resident trust
 27 taxation.

28
 29 The question being "Shall the bill pass?".

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

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

52 Co-sponsors added: Representatives Crane, Kerr J, McCluskey.

53
 54
 55

1 **HB06-1391** by Representative(s) Hefley, Carroll T., King, Marshall,
 2 McGihon; also Senator(s) Groff, Dyer, Grossman,
 3 Mitchell, Veiga--Concerning the revision of statutes in the
 4 Colorado Revised Statutes, as amended, and, in connection
 5 therewith, amending or repealing obsolete, inconsistent,
 6 and conflicting provisions of law and clarifying the
 7 language to reflect the legislative intent of the laws.

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

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

32
 33 **HB06-1390** by Representative(s) Crane; also Senator(s) Tochtrop--
 34 Concerning the transportation of mobile crane equipment
 35 as a nondivisible load.

36
 37 The question being "Shall the bill pass?".
 38 A roll call vote was taken. As shown by the following recorded vote, a
 39 majority of those elected to the House voted in the affirmative and the bill
 40 was declared **passed**.

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

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

4 Co-sponsors added: Representatives Berens, Hefley, Kerr J, Larson, Ragsdale,
5 Rose, Sullivan.

6
7 **SB06-127** by Senator(s) Sandoval; also Representative(s) Madden--
8 Concerning the provision of fresh produce in public
9 schools.

10
11 The question being "Shall the bill 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 bill
14 was declared **passed**.

16	YES	45	NO	19	EXCUSED	01	ABSENT	00
17	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
18	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
19	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
20	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	N
21	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
22	Butcher	Y	Hall	N	Marshall	Y	Solano	Y
23	Cadman	N	Harvey	N	Massey	Y	Soper	Y
24	Carroll M	Y	Hefley	N	May	N	Stafford	Y
25	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
26	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
27	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
28	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
29	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
30	Crane	N	Kerr J	N	Paccione	E	Welker	N
31	Curry	Y	King	N	Penry	N	White	N
32	Decker	N	Knoedler	N	Plant	Y	Witwer	Y
33							Speaker	Y

34 Co-sponsors added: Representatives Coleman, Frangas, Hodge, Marshall,
35 McKinley, Merrifield, Plant, Riesberg, Todd, Vigil.

36
37 **HB06-1396** by Representative(s) Kerr A., Berens, Cloer, Green,
38 McGihon, Plant, Riesberg, Soper, Weissmann; also
39 Senator(s) Tapia, Boyd, Sandoval--Concerning the
40 funding of school-based health centers, and, in connection
41 therewith, making an appropriation.

42
43 The question being "Shall the bill pass?".
44 A roll call vote was taken. As shown by the following recorded vote, a
45 majority of those elected to the House voted in the affirmative and the bill
46 was declared **passed**.

48	YES	37	NO	27	EXCUSED	01	ABSENT	00
49	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
50	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
51	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
52	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
53	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
54	Butcher	Y	Hall	N	Marshall	Y	Solano	Y
55	Cadman	N	Harvey	N	Massey	N	Soper	Y
56	Carroll M	Y	Hefley	N	May	N	Stafford	N

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

10 Representative Cloer requested his name be removed as sponsor.

11 Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Butcher,
12 Carroll M, Carroll T, Coleman, Frangas, Gallegos, Hodge, Jahn, Madden,
13 Marshall, Merrifield, Solano, Todd, Vigil.

14
15 **SB06-100** by Senator(s) Sandoval, Gordon, Tochtrop, Williams,
16 Isgar; also Representative(s) Pommer, Cerbo, Madden--
17 Concerning the creation of a Colorado "Kids First" special
18 license plate.

19
20 The question being "Shall the bill 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 bill
23 was declared **passed**.

25	YES	43	NO	21	EXCUSED	01	ABSENT	00
26	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
27	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
28	Berens	N	Garcia	Y	Liston	N	Riesberg	N
29	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
30	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
31	Butcher	Y	Hall	N	Marshall	Y	Solano	Y
32	Cadman	N	Harvey	N	Massey	Y	Soper	Y
33	Carroll M	Y	Hefley	Y	May	N	Stafford	Y
34	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
35	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	N
36	Clapp	N	Jahn	N	McGihon	Y	Todd	Y
37	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
38	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
39	Crane	N	Kerr J	Y	Paccione	E	Welker	N
40	Curry	Y	King	N	Penry	Y	White	Y
41	Decker	N	Knoedler	Y	Plant	Y	Witwer	N
42							Speaker	Y

43 Co-sponsors added: Representatives Carroll M, Coleman, Gallegos, Knoedler,
44 Merrifield, Solano, Todd, Vigil.

45
46
47 **SB06-028** by Senator(s) Lamborn; also Representative(s) Frangas--
48 Concerning the creation of a bronze star special license
49 plate, and making an appropriation therefor.

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
56

	YES	63	NO	01	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	N
4	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
5	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
6	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
7	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
8	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
9	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
10	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
11	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
12	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
13	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
14	Crane	Y	Kerr J	Y	Paccione	E	Welker	Y
15	Curry	Y	King	Y	Penry	Y	White	Y
16	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
17							Speaker	Y

18
19 Co-sponsors added: Representatives Berens, Cadman, Gallegos, Knoedler,
20 Merrifield, Solano, Stafford, Todd, Vigil.

21
22 **SB06-047** by Senator(s) Hanna, Hagedorn, Keller, Shaffer; also
23 Representative(s) Riesberg, Boyd, Green, McCluskey--
24 Concerning the provision of health care services by local
25 governmental entities, and, in connection therewith,
26 allowing such districts to be created in any part of the state
27 authorizing such districts to levy a sales tax and
28 authorizing counties to impose a sales tax for the purpose
29 of providing health care services.
30

31 As shown by the following roll call vote, a majority of all members
32 elected to the House voted in the affirmative, and Representative
33 Riesberg was given permission to offer a Third Reading amendment:
34

	YES	56	NO	08	EXCUSED	01	ABSENT	00
35	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
36	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
37	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
38	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
39	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
40	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
41	Cadman	N	Harvey	Y	Massey	Y	Soper	Y
42	Carroll M	Y	Hefley	Y	May	N	Stafford	Y
43	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
44	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
45	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
46	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
47	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
48	Crane	Y	Kerr J	N	Paccione	E	Welker	Y
49	Curry	Y	King	Y	Penry	Y	White	Y
50	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
51							Speaker	Y

52
53
54
55

1 **Third Reading amendment No. 1**, by Representative Riesberg.

2
3 Amend revised bill, page 7, line 27, strike "MUNICIPALITIES OR
4 COUNTIES," and substitute "SPECIAL DISTRICTS, MUNICIPALITIES,
5 COUNTIES, OR OTHER EXISTING TAXING ENTITIES,".

6
7 The amendment was declared **passed** by the following roll call vote:

	YES	57	NO	07	EXCUSED	01	ABSENT	00
10 Balmer	Y		Frangas	Y	Larson	Y	Pommer	Y
11 Benefield	Y		Gallegos	Y	Lindstrom	Y	Ragsdale	Y
12 Berens	Y		Garcia	Y	Liston	Y	Riesberg	Y
13 Borodkin	Y		Gardner	N	Lundberg	N	Rose	Y
14 Buescher	Y		Green	Y	Madden	Y	Schultheis	N
15 Butcher	Y		Hall	Y	Marshall	Y	Solano	Y
16 Cadman	N		Harvey	Y	Massey	Y	Soper	Y
17 Carroll M	Y		Hefley	Y	May	Y	Stafford	Y
18 Carroll T	Y		Hodge	Y	McCluskey	Y	Stengel	Y
19 Cerbo	Y		Hoppe	Y	McFadyen	Y	Sullivan	Y
20 Clapp	Y		Jahn	Y	McGihon	Y	Todd	Y
21 Cloer	N		Judd	Y	McKinley	Y	Vigil	Y
22 Coleman	Y		Kerr A	Y	Merrifield	Y	Weissmann	Y
23 Crane	Y		Kerr J	Y	Paccione	E	Welker	Y
24 Curry	Y		King	Y	Penry	N	White	Y
25 Decker	N		Knoedler	Y	Plant	Y	Witwer	Y
							Speaker	Y

26
27
28 The question being, "Shall the bill, as amended, pass?".
29 A roll call vote was taken. As shown by the following recorded vote, a
30 majority of those elected to the House voted in the affirmative, and the
31 bill, as amended, was declared **passed**.

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

50
51 Co-sponsors added: Representatives Cerbo, Plant, Pommer.

52
53 **SB06-058** by Senator(s) May R.; also Representative(s) Larson--
54 Concerning an increase in the period for which a
55 certification of emissions control for newer diesel motor
56 vehicles is valid.

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	63	NO	01	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	Y	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	E	Welker	Y
21	Curry	Y	King	Y	Penry	Y	White	N
22	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Berens, McFadyen, Ragsdale, Stengel.

25
 26 **SB06-080** by Senator(s) Tochtrop; also Representative(s) Soper--
 27 Concerning the creation of the support the troops special
 28 license plate for motor vehicles, and making an
 29 appropriation therefor.

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**.

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

54 Co-sponsors added: Representatives Berens, Cloer, Gallegos, Green, Hefley,
 55 Knoedler, Merrifield, Ragsdale, Solano, Stafford, Sullivan, Todd, Vigil.

56

1 **SB06-126** by Senator(s) Owen, Tapia, Keller; also Representative(s)
 2 Buescher, Plant, Hall--Concerning the use of moneys
 3 appropriated to the Colorado state veterans trust fund.
 4

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

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

28 Co-sponsors added: Representatives Berens, Carroll M, Frangas, Jahn,
 29 Knoedler, Merrifield, Penry, Ragsdale, Rose, Solano, Sullivan, Todd.
 30

31 **SB06-129** by Senator(s) Keller, Owen, Tapia; also Representative(s)
 32 Buescher, Hall, Plant--Concerning the utilization of a cash
 33 system of accounting for nonadministrative expenditures
 34 that qualify for federal financial participation under title
 35 XIX of the federal "Social Security act", and making an
 36 appropriation therefor.
 37

38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.
 42

	YES	61	NO	03	EXCUSED	01	ABSENT	00
44	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
45	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
47	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
48	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
49	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
50	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
51	Carroll M	Y	Hefley	Y	May	N	Stafford	Y
52	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
53	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
54	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
55	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
56	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y

1	Crane	Y	Kerr J	Y	Paccione	E	Welker	Y
2	Curry	Y	King	Y	Penry	Y	White	Y
3	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
4							Speaker	Y

5 Co-sponsors added: Representatives Benefield, Coleman, Madden, Riesberg.

6
7 **SB06-135** by Senator(s) Owen, Tapia, Keller; also Representative(s)
8 Plant, Buescher, Hall--Concerning the enrollment of
9 pregnant women in the children's basic health plan, and, in
10 connection therewith, authorizing the use of tobacco tax
11 moneys to pay for the services provided, and making an
12 appropriation.
13

14 The question being "Shall the bill 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 bill
17 was declared **passed**.

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

36
37 Co-sponsors added: Representatives Berens, Borodkin, Coleman, Frangas,
38 Green, Hodge, Kerr A, Madden, McGihon, Merrifield, Riesberg, Todd, Vigil.
39

40 41 42 **REPORTS OF COMMITTEE OF REFERENCE**

43 **APPROPRIATIONS**

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

47
48 **HB06-1050** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
51

52 Amend the Finance Committee Report, dated April 13, 2006, page 2, line
53 14, after "YEAR.", add "THE GENERAL ASSEMBLY SHALL MAKE THE
54 APPROPRIATION AFTER MAKING ALL OTHER APPROPRIATIONS, INCLUDING
55 BUT NOT LIMITED TO ALL SUPPLEMENTAL APPROPRIATIONS, FOR THE
56 FISCAL YEAR."

1 Page 5, line 15, strike "reserve." and substitute "reserve; EXCEPT THAT
2 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
3 MONEYS IN THE BUDGET STABILIZATION FUND AND CREDITED TO THE
4 TRUST FUND SHALL BE ACCOUNTED FOR SEPARATELY FROM OTHER
5 PRINCIPAL OF THE TRUST FUND AND MAY BE EXPENDED OR APPROPRIATED
6 FOR CONTROLLED MAINTENANCE PROJECTS OF INSTITUTIONS OF HIGHER
7 EDUCATION.".

8
9

10

11 **HB06-1358** be rereferred favorably to the Committee on Education.

12

13

14 **HB06-1388** be referred to the Committee of the Whole with favorable
15 recommendation.

16

17

18 **HB06-1395** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:

21

22 Amend printed bill, page 7, after line 20, insert the following:

23

24 **"SECTION 7. Appropriation - adjustment in 2006 long bill.**

25 (1) For implementation of this act, appropriations made in the general
26 appropriations act to the department of health care policy and financing
27 for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

28

29 (a) The appropriation for the executive director's office, for the
30 medicaid management information system contract, is increased by the
31 sum of eleven thousand five hundred eighty-four dollars (\$11,584), or so
32 much thereof as may be necessary, for the implementation of this act.
33 Said sum shall be from the general fund and shall be subject to the "(M)"
34 notation as defined in the general appropriation act. Said amount is
35 exempt from the statutory limit on state general fund appropriations
36 pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado Revised
37 Statutes. In addition to said appropriation, the general assembly
38 anticipates that the department of health care policy and financing will
39 receive thirty-four thousand seven hundred fifty-two dollars (\$34,752) in
40 federal funds for the implementation of this act. Although the federal
41 funds are not appropriated in this act, they are noted for the purpose of
42 indicating the assumptions used relative to these funds in developing state
43 appropriation amounts.

44

45 (b) The appropriation for department of humans services medicaid-
46 funded programs, division of child welfare - medicaid funding, for child
47 welfare services, is decreased by six hundred sixty-three thousand one
48 hundred thirty dollars (\$663,130), or so much thereof as may be
49 necessary, for the implementation of this act. Said sum shall be from the
50 general fund and shall be subject to the "(M)" notation as defined in the
51 general appropriation act.

52

53 (c) The appropriation for department of humans services medicaid-
54 funded programs, division of child welfare - medicaid funding, for child
55 welfare services, is increased by the sum of five million thirty-seven
56 thousand dollars (\$5,037,000), or so much thereof as may be necessary,

1 for the implementation of this act. Said sum shall be from the general
2 fund and shall be subject to the "(M)" notation as defined in the general
3 appropriation act. Said amount is exempt from the statutory limit on state
4 general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III)
5 (A), Colorado Revised Statutes. In addition to said appropriation, the
6 general assembly anticipates that the department of health care policy and
7 financing will receive the sum of four million three hundred seventy-three
8 thousand eight hundred seventy dollars (\$4,373,870) in federal funds for
9 the implementation of this act. Although the federal funds are not
10 appropriated in this act, they are noted for the purpose of indicating the
11 assumptions used relative to these funds in developing state appropriation
12 amounts.

13
14 (d) The appropriation for department of human services medicaid-
15 funded programs, for division of youth corrections - medicaid funding, is
16 decreased by forty-eight thousand five hundred thirteen dollars (\$48,513),
17 or so much thereof as may be necessary, for the implementation of this
18 act. Said sum shall be from the general fund and shall be subject to the
19 "(M)" notation as defined in the general appropriation act.

20
21 (e) The appropriation for department of human services medicaid-
22 funded programs, for division of youth corrections - medicaid funding, is
23 increased by seven hundred seventy-seven thousand four hundred fifty
24 dollars (\$777,450) or so much thereof as may be necessary, for the
25 implementation of this act. Said sum shall be from the general fund and
26 shall be subject to the "(M)" notation as defined in the general
27 appropriation act. Said amount is exempt from the statutory limit on state
28 general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III)
29 (A), Colorado Revised Statutes. In addition to said appropriation, the
30 general assembly anticipates that, for the fiscal year beginning July 1,
31 2006, the department of health care policy and financing will receive the
32 sum of seven hundred twenty-eight thousand nine hundred thirty-seven
33 dollars (\$728,937) in federal funds for the implementation of this act.
34 Although the federal funds are not appropriated in this act, they are noted
35 for the purpose of indicating the assumptions used relative to these funds
36 in developing state appropriation amounts.

37
38 (2) For implementation of this act, appropriations made in the
39 general appropriations act to the department of human services for the
40 fiscal year beginning July 1, 2006, shall be adjusted as follows:

41
42 (a) The general fund appropriation for the division of child
43 welfare, for child welfare services, is decreased by three million eight
44 hundred sixty thousand one hundred fourteen dollars (\$3,860,114).

45
46 (b) The cash funds exempt appropriation from local share for the
47 division of child welfare, for child welfare services, is decreased by three
48 hundred seven thousand four hundred thirty-nine dollars (\$307,439).

49
50 (c) The cash funds exempt appropriation received from the
51 department of health care policy and financing out of the appropriation
52 made in subsection (1) of this section, for the division of child welfare,
53 for child welfare services, is increased by eight million seven hundred
54 forty-seven thousand seven hundred forty dollars (\$8,747,740).

55

1 (d) In addition to said appropriation, the general assembly
2 anticipates that, for the fiscal year beginning July 1, 2006, the federal
3 funds appropriation to the department of human services, for the division
4 of child welfare, for child welfare services is decreased by nine hundred
5 fifty-six thousand four hundred nineteen dollars (\$956,419) for the
6 implementation of this act. Although the federal funds are not
7 appropriated in this act, they are noted for the purpose of indicating the
8 assumptions used relative to these funds in developing state appropriation
9 amounts.

10
11 (e) The appropriation for the division of youth corrections, for
12 purchase of contract placements, is increased by six hundred twenty-five
13 thousand five hundred eighty-eight dollars (\$625,588) or so much thereof
14 as may be necessary, for the implementation of this act. Of said sum, the
15 general fund appropriation is decreased by eight hundred thirty-two
16 thousand two hundred eighty-six dollars (\$832,286) and the cash funds
17 exempt appropriation is increased by one million four hundred fifty-seven
18 thousand eight hundred seventy-four dollars (\$1,457,874). Said cash
19 funds exempt shall be from the department of health care policy and
20 financing out of the appropriation made in subsection (1) of this section.

21
22 (3) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the division of registrations cash fund
24 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
25 otherwise appropriated, to the department of regulatory agencies, for
26 allocation to the executive director's office and administrative services,
27 for legal services, the sum of three hundred twenty-two dollars (\$322), or
28 so much thereof as may be necessary, for the implementation of this act.

29
30 (4) In addition to any other appropriation, there is hereby
31 appropriated, out of moneys in the division of registrations cash fund
32 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
33 otherwise appropriated, to the department of regulatory agencies, for
34 allocation to the division of registrations, the sum of thirty thousand
35 seventy-five dollars (\$30,075) and 0.4 FTE, or so much thereof as may be
36 necessary, for the implementation of this act.

37
38 (5) In addition to any other appropriation, there is hereby
39 appropriated to the department of law, for the fiscal year beginning July
40 1, 2006, the sum of three hundred twenty-two dollars (\$322), or so much
41 thereof as may be necessary, for the provision of legal services to the
42 division of registrations related to the implementation of this act. Said
43 sum shall be from cash funds exempt received from the department of
44 regulatory agencies out of the appropriation made in subsection (3) of this
45 section."

46
47 Renumber succeeding section accordingly.

48
49 Page 1, line 101, strike "CARE." and substitute "CARE, AND MAKING AN
50 APPROPRIATION IN CONNECTION THEREFOR."

51
52
53
54 **HB06-1397** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1 Amend the Education Committee Report, dated April 18, 2006, page 1,
2 after line 11, insert the following:

3

4 "Page 8, line 17, after "EFFECTIVENESS.", insert "THE LOCAL
5 LONGITUDINAL EVALUATION SHALL BE DESIGNED TO WORK IN
6 CONJUNCTION WITH THE STATEWIDE LONGITUDINAL EVALUATION
7 PERFORMED PURSUANT TO SECTION 26-6.5-105 (3) (c).".

8

9 Page 2 of the committee report, line 8, strike "FUNCTIONS.;" and
10 substitute "FUNCTIONS.;"

11

12 after line 8 of the committee report, insert the following:

13

14 "(h) TO ASSIGN, IN ACCORDANCE WITH RULES ADOPTED PURSUANT
15 TO SECTION 22-7-603.5 (4), C.R.S., A UNIQUE STUDENT IDENTIFIER TO
16 EACH CHILD THREE YEARS OF AGE OR OLDER WHO PARTICIPATES IN THE
17 ACTIVITIES OF THE EARLY CHILDHOOD COUNCIL."";

18

19 strike lines 10 and 11 of the committee report and substitute the
20 following:

21

22 "strike "PURSUANT TO SECTION 26-6.5-106." and substitute "FROM THE
23 EARLY CHILDHOOD CASH FUND CREATED IN SECTION 26-6.5-111 AND
24 OTHER FUNDING SOURCES APPROPRIATED FOR EARLY CHILDHOOD
25 SERVICES."";

26

27 strike lines 12 and 13 of the committee report and substitute the
28 following:

29

30 "Page 13, line 1, after "26-6.5-111", insert "AND OTHER FUNDING SOURCES
31 APPROPRIATED FOR EARLY CHILDHOOD SERVICES";

32

33 line 16, strike "REPRESENTATIVES" and substitute "STATEWIDE
34 REPRESENTATION."";

35

36 line 25 of the committee report, change the period to a semicolon;

37

38 after line 25 of the committee report, insert the following:

39

40 "line 23, after "STATEWIDE", insert "LONGITUDINAL";

41

42 line 26, after "STATEWIDE", insert "LONGITUDINAL";

43

44 line 27, after "COUNCIL", insert "LONGITUDINAL".

45

46 Page 3 of the committee report, strike lines 1 and 2 and substitute the
47 following:

48

49 "Page 15, line 2, after "EDUCATION.", add "THE STATEWIDE
50 LONGITUDINAL EVALUATION SHALL INCLUDE, BUT NEED NOT BE LIMITED
51 TO:

52

53 (I) THE PERCENT OF STUDENTS WHO HAVE INDIVIDUAL LITERACY
54 PLANS;

55

1 (II) RESULTS OF THE COLORADO STUDENT ASSESSMENT PROGRAM
2 TESTS ADMINISTERED PURSUANT TO SECTION 22-7-409, C.R.S.;

3
4 (III) EXIT AND RE-ENTRANCE RATES FOR CHILDREN WITH
5 DISABILITIES;

6
7 (IV) RETENTION RATES; AND

8
9 (V) GRADUATION AND FORMAL TRANSITION RATES.";

10
11 line 8, after "EVALUATION", insert "REQUIRED PURSUANT TO SECTION
12 26-6.5-103.7 (1) (d)".

13
14 Page 4 of the committee report, after line 5, add the following:

15
16 "Page 23, after line 16, insert the following:

17
18 **"SECTION 14. Appropriation.** (1) In addition to any other
19 appropriation, there is hereby appropriated, out of any moneys in the
20 general fund not otherwise appropriated, to the department of human
21 services, early childhood cash fund created in section 26-6.5-111 (1),
22 Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the
23 sum of two million three hundred sixty-nine thousand three hundred
24 seventy-three dollars (\$2,369,373), and said sum and 1.0 FTE, or so much
25 thereof as may be necessary, is further appropriated as cash funds exempt
26 to the department of human services, for allocation to the division of child
27 care, for implementation of this act.

28
29 (2) In addition to any other appropriation, there is hereby
30 appropriated, to the department of education, for appropriated sponsored
31 programs, for the fiscal year beginning July 1, 2006, the sum of sixty-
32 seven thousand five hundred dollars (\$67,500) cash funds exempt, or so
33 much thereof as may be necessary, for implementation of this act. Such
34 sum shall be received from the department of human services out of the
35 appropriation made in subsection (1) of this section."

36
37 Renumber succeeding section accordingly.

38
39 Page 1, line 102, strike "COUNCILS." and substitute "COUNCILS, AND
40 MAKING AN APPROPRIATION THEREFOR.".

41
42
43
44 **SB06-036** be referred to the Committee of the Whole with favorable
45 recommendation.

46
47
48 **SB06-045** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend reengrossed bill, page 10, after line 7, insert the following:

53
54 "(2) In addition to any other appropriation, there is hereby
55 appropriated, to the department of human services, executive director's
56 office, for allocation to the criminal background check unit of the office

1 of performance improvement, for the fiscal year beginning July 1, 2006,
 2 out of the child care licencing cash fund created in section 26-6-105 (4),
 3 Colorado Revised Statutes, the sum of thirty-eight thousand eight hundred
 4 seventy-three dollars (\$38,873) cash funds and 1.0 FTE, or so much
 5 thereof as may be necessary, for implementation of this act.”.

6

7 Renumber succeeding subsection accordingly.

8

9 Page 10, line 11, after "eighty-two" insert "thousand".

10

11

12

13 **SB06-105** be amended as follows, and as so amended, be referred to
 14 the Committee of the Whole with favorable
 15 recommendation:

16

17 Amend reengrossed bill, page 19, strike line 11, and substitute the
 18 following:

19

20 **"SECTION 3. Appropriation.** (1) In addition to any other
 21 appropriation, there is hereby appropriated, out of any moneys in the
 22 conveyance safety fund created in section 9-5.5-112 (2) (b), Colorado
 23 Revised Statutes, not otherwise appropriated, to the department of labor
 24 and employment, for allocation to the executive director's office, for legal
 25 services, for the fiscal year beginning July 1, 2006, the sum of nine
 26 thousand six hundred sixty-eight dollars (\$9,668), or so much thereof as
 27 may be necessary, for the implementation of this act.

28

29 (2) In addition to any other";

30

31 line 16, strike "two hundred three" and substitute the following:

32

33 "one hundred eighty-four thousand eight hundred fifty-six dollars
 34 (\$184,856) and 2.3 FTE, or so much";

35

36 strike line 17;

37

38 line 19, strike "(2)" and substitute "(3)";

39

40 line 25, strike "the division of oil and";

41

42 line 26, strike "public safety in".

43

44

45

46

47 **HEALTH & HUMAN SERVICES**

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

50

51 **SB06-141** be referred favorably to the Committee on Finance.

52

53

54

55

56

1 On motion of Representative Madden, **SB06-037, HB06-1003, 1178,**
 2 **1303, 1050, SB06-114, HB06-1315, SB06-008, 015, 020, 038, 094, 152,**
 3 **HB06-1395, SB06-171, 172, 176, 188, HB06-1388** were made Special
 4 Orders on Monday, April 24, 2006, at 11:15 a.m.

5

6

7 The hour of 11:15 a.m., having arrived, on motion of Representative
 8 Carroll T., the House resolved itself into Committee of the Whole for
 9 consideration of Special Orders and he was called to the Chair to act as
 10 Chairman.

11

12

13

SPECIAL ORDERS--SECOND READING OF BILLS

14

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

19

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

22

23 **SB06-037** by Senator(s) Isgar; also Representative(s) Curry--
 24 Concerning the adjudication of recreational in-channel
 25 diversions.

26

27 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
 28 dated April 5, 2006, and placed in member's bill file; Report also printed
 29 in House Journal, April 6, pages 1087-1088.

30

31 Amendment No. , by Representative Curry.

32

33 Amend the Agriculture, Livestock, and Natural Resources Committee
 34 Report, dated April 5, 2006, page 1, after line 4, insert the following:

35

36 "line 2, strike "ENGINEER" and substitute "ENGINEER,","";

37

38 line 5, strike ""NONMOTORIZED"." and substitute ""NONMOTORIZED","";

39

40 strike lines 6 through 10 of the committee report and substitute the
 41 following:

42

43 "strike line 27.

44

45 Page 5, strike lines 1 through 6 and substitute the following:

46

47 "recreation experience in and on the water FROM APRIL 1 TO LABOR DAY
 48 OF EACH YEAR UNLESS THE APPLICANT CAN DEMONSTRATE THAT THERE
 49 WILL BE DEMAND FOR THE REASONABLE RECREATION EXPERIENCE ON
 50 ADDITIONAL DAYS. THE RECREATIONAL IN-CHANNEL DIVERSION SHALL BE
 51 LIMITED TO ONE SPECIFIED FLOW RATE FOR EACH TIME PERIOD CLAIMED BY
 52 THE APPLICANT. INDIVIDUAL TIME PERIODS SHALL NOT BE SHORTER THAN
 53 FOURTEEN DAYS UNLESS THE APPLICANT CAN DEMONSTRATE A NEED FOR
 54 A SHORTER TIME PERIOD. ","";

55

56 strike lines 13 through 17 of the committee report.

1 Page 2 of the committee report, strike lines 1 through 11 and substitute
2 the following:

3 "THE APPLICATION.
4

5 (d) THE WATER COURT SHALL MAKE A FINDING IN THE DECREE AS
6 TO THE FLOW RATE BELOW WHICH THERE IS NO LONGER ANY BENEFICIAL
7 USE OF THE WATER AT THE CONTROL STRUCTURES FOR THE DECREED
8 PURPOSES.
9

10 (e) IF THE OTHER ELEMENTS SPECIFIED IN PARAGRAPH (a) OF THIS
11 SUBSECTION (13) ARE SATISFIED, THE DECREE SHALL SPECIFY THE TOTAL
12 VOLUME OF WATER REPRESENTED BY THE FLOW RATES DECREED FOR THE
13 RECREATIONAL IN-CHANNEL DIVERSION. FOR PURPOSES OF THIS
14 SUBSECTION (13), THE "TOTAL VOLUME OF WATER REPRESENTED BY THE
15 FLOW RATES DECREED FOR THE RECREATIONAL IN-CHANNEL DIVERSION"
16 MEANS THE SUM OF THE FLOW RATES CLAIMED IN CUBIC FEET PER SECOND
17 FOR EACH DAY ON WHICH A CLAIM IS MADE MULTIPLIED BY 1.98.
18

19 (f) IF THE COURT DETERMINES THAT THE TOTAL VOLUME OF WATER
20 REPRESENTED BY THE FLOW RATES DECREED FOR THE RECREATIONAL
21 IN-CHANNEL DIVERSION EXCEEDS FIFTY PERCENT OF THE SUM OF THE
22 TOTAL AVERAGE HISTORICAL VOLUME OF WATER FOR THE STREAM
23 SEGMENT WHERE THE RECREATIONAL IN-CHANNEL DIVERSION IS LOCATED
24 FOR EACH DAY ON WHICH A CLAIM IS MADE, THE DECREE SHALL:
25

26 (I) SPECIFY THAT THE STATE ENGINEER SHALL NOT ADMINISTER A
27 CALL FOR THE RECREATIONAL IN-CHANNEL DIVERSION UNLESS THE CALL
28 WOULD RESULT IN AT LEAST EIGHTY-FIVE PERCENT OF THE DECREED FLOW
29 RATE FOR THE APPLICABLE TIME PERIOD;
30

31 (II) LIMIT THE RECREATIONAL IN-CHANNEL DIVERSION TO NO
32 MORE THAN THREE TIME PERIODS; AND
33

34 (III) SPECIFY THAT EACH TIME PERIOD IS LIMITED TO ONE FLOW
35 RATE.";"
36

37 Amendment No. 3, by Representative Hoppe.
38

39 Amend Amendment No. 2 by Representative Curry, page 1442, line 5,
40 strike the first "THE" and substitute "IN ADDITION TO DETERMINING THE
41 MINIMUM AMOUNT OF STREAM FLOW TO SERVE THE APPLICANT'S INTENDED
42 AND SPECIFIED REASONABLE RECREATION EXPERIENCE, THE";
43

44 strike lines 10 and 11 and substitute the following:

45 "(e) IF THE OTHER ELEMENTS OF THE APPROPRIATION ARE
46 SATISFIED, THE DECREE SHALL SPECIFY THE TOTAL".
47

48 As amended, ordered revised and placed on the Calendar for Third
49 Reading and Final Passage.
50

51 **HB06-1178** by Representative(s) Butcher, Borodkin, Carroll M.,
52 Paccione; also Senator(s) Williams--Concerning the
53 motorist insurance identification database program used to
54 identify persons who own motor vehicles that are not
55 insured, and, in connection therewith, continuing the
56 program within the department of revenue.

1 Amendment No. 1, Appropriations Report, dated April 21, 2006, and
2 placed in member's bill file; Report also printed in House Journal, April
3 21, pages 1311-1416.

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

7
8 **HB06-1303** by Representative(s) Plant, Buescher, Hall; also Senator(s)
9 Tapia, Keller, Owen--Concerning the establishment of the
10 county environmental hazard remediation fund to assist
11 county governments in the remediation of environmental
12 hazards.

13
14 Amendment No. 1, Appropriations Report, dated April 21, 2006, and
15 placed in member's bill file; Report also printed in House Journal, April
16 21, pages 1416-1417.

17
18 Amendment No. 2, by Representative Frangas.

19
20 Amend printed bill, page 2, after line 1, insert the following:

21 "SECTION 1. Article 16 of title 25, Colorado Revised Statutes,
22 is amended BY THE ADDITION OF A NEW SECTION to read:

23
24 **25-16-106. Local requests to remediate superfund sites -**
25 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES
26 THAT THE FEDERAL GOVERNMENT HAS NOT TAKEN APPROPRIATE ACTION,
27 OR PROVIDED NECESSARY FUNDING TO ASSIST IN THE REMEDIATION OF
28 EXISTING SUPERFUND SITES IN THE STATE.

29
30 (2) ANY CITY, COUNTY, CITY AND COUNTY, TOWN, OR OTHER
31 MUNICIPALITY MAY APPLY TO THE DEPARTMENT FOR GRANTS OR OTHER
32 FORMS OF ASSISTANCE FROM ANY COMMITTEE, DIVISION, OR OFFICE IN THE
33 DEPARTMENT TO ASSIST WITH THE REMEDIATION OF THE ENVIRONMENTAL
34 HAZARDS OR IMPACTS ASSOCIATED WITH A SUPERFUND SITE IN THE STATE.
35 ANY GRANTS OR OTHER ASSISTANCE PROVIDED IN ACCORDANCE WITH THE
36 PROVISIONS OF THIS SECTION SHALL BE FROM THE FUND ESTABLISHED IN
37 SECTION 25-16-104.6, AND SHALL BE MADE WITHIN EXISTING
38 APPROPRIATIONS TO THE DEPARTMENT."

39
40 Renumber succeeding sections accordingly.

41
42 As amended, declared **lost** on Second Reading.

43
44 **SB06-008** by Senator(s) May R., Williams; also Representative(s)
45 Pommer, Green, Hefley, Knoedler, Larson, Ragsdale--
46 Concerning the regulation of commercial motor vehicles
47 that transport hazardous materials over the public
48 highways.

49
50 Amendment No. 1, by Representative Pommer.

51
52 Amend reengrossed bill, page 3, line 1, strike "FOR REMUNERATION".

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

56

1 On motion of Representative Madden, the remainder of the Special
 2 Orders Calendar (**HB06-1003, 1050, SB06-114, HB06-1315, SB06-015,**
 3 **020, 038, 094, 152, HB06-1395, SB06-171, 172, 176, 188, HB06-1388**)
 4 was laid over until April 25, retaining place on Calendar.

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

9
10 Passed Second Reading: **SB06-037 amended, HB06-1178 amended,**
 11 **SB06-008 amended.**

12
13 Lost on Second Reading: **HB06-1303 amended.**

14
15 Laid over until date indicated retaining place on Calendar:**HB06-1003,**
 16 **1050, SB06-114, HB06-1315, SB06-015, 020, 038, 094, 152,**
 17 **HB06-1395, SB06-171, 172, 176, 188, HB06-1388--April 25, 2006.**

18
19 The Chairman moved the adoption of the Committee of the Whole
 20 Report. As shown by the following roll call vote, a majority of those
 21 elected to the House voted in the affirmative, and the Report was
 22 **adopted.**

YES	64	NO	00	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	Y	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	Y	Judd	Y	McKinley	Y	Vigil	Y
Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
Crane	Y	Kerr J	Y	Paccione	E	Welker	Y
Curry	Y	King	Y	Penry	Y	White	Y
Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
						Speaker	Y

43
44 House in recess. House reconvened.

45
46
47 **PRINTING REPORT**

48
49 The Chief Clerk reports the following bills have been correctly printed:
 50 **HB06-1404; HCR06-1013.**

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

54
55 The Speaker has signed: **SJR06-030.**

56

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MESSAGES FROM THE SENATE

The Senate has adopted and transmits herewith: SJR06-037 and SJM06-003.

The Senate has passed on Third Reading and returns herewith HB06-1085 and HB06-1132.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

- HB06-1201 amended as printed in Senate Journal, April 21, 2006, page 1007 and 1008,
- HB06-1008 amended as printed in Senate Journal, April 21, 2006, pages 1007 and 1008-1009,
- HB06-1274 amended as printed in Senate Journal, April 21, 2006, page 1008,
- HB06-1154 amended as printed in Senate Journal, April 21, 2006, page 1008,
- HB06-1313 amended as printed in Senate Journal, April 21, 2006, page 1008.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB06-1201, 1008, 1274, 1154, and 1313.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 24th day of April, 2006, at 3:40 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

April 24, 2006

To the Honorable
House of Representatives
Sixty-fifth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

HB06-1119 Concerning Security Breaches Regarding Personal Identifying Information.

Approved April 24, 2006 at 9:12 a.m.

1 **HB06-1244** Concerning A Grant Of Authority To The Transportation
2 Commission To Allocate Moneys From The Aviation
3 Fund For The Administrative Costs Of The Aeronautics
4 Division In The Department Of Transportation.

5
6 Approved April 24, 2006 at 9:13 a.m.
7

8 **HB06-1256** Concerning Modifications To Certain Provisions Of Total
9 Compensation For Employees In The State Personnel
10 System.

11
12 Approved April 24, 2006 at 9:15 a.m.
13

14 **HB06-1269** Concerning Creation Of A Nursing Faculty Fellowship
15 Program.

16
17 Approved April 24, 2006 at 9:17 a.m.
18

19 **HB06-1287** Concerning The Investment Of Public Funds.

20
21 Approved April 24, 2006 at 9:17 a.m.
22

23 **HB06-1351** Concerning The Continuation Of The Statewide Program
24 For Teen Pregnancy And Dropout Prevention.

25
26 Approved April 24, 2006 at 9:18 a.m.
27

28 **HB06-1357** Concerning A Prohibition On The Inspection Of
29 Applications For Marriage Licenses.

30
31 Approved April 24, 2006 at 9:20 a.m.
32

33 Sincerely,
34 (signed)
35 Bill Owens

36
37
38 April 24, 2006
39

40 The Honorable Colorado House of Representatives
41 Sixty-Fifth General Assembly
42 Second Regular Session
43 State Capitol
44 Denver, Colorado 80203
45

46 Ladies and Gentlemen:
47

48 I am filing with the Secretary of State House Bill 06-1249, "Concerning
49 Granting Authority to a Pregnant Minor to Approve Prenatal Care for the
50 Minor's Pregnancy Intended to Result in a Live Birth of a Child, and, in
51 connection therewith, Limiting the Authority to Approving Prenatal, Delivery
52 and Post-Delivery Medical Care Related to the Intended Live Birth of a Child."
53 I will neither sign nor veto House Bill 06-1249. Therefore, this bill becomes
54 law at 12:01 a.m. on April 22, 2006. This letter sets forth my reasons for letting
55 this bill become law without my signature.

56

1 House Bill 1249 allows a pregnant minor to receive prenatal medical care
2 without the consent of a parent or guardian. Under current Colorado law, a
3 minor may not receive prenatal treatment without such consent. While I
4 strongly oppose the erosion of parental notification laws, I believe that
5 protecting the health of a mother and her baby is paramount.

6
7 According to state health officials, 4.4% of Colorado women in 2003 received
8 late prenatal care or no care at all. Lack of access to prenatal care puts minors
9 and their babies at high risk for medical complications. The babies of teenaged
10 mothers, for instance, have an especially high risk of low birth weight.

11
12 I am disappointed that young women in our communities may not have the
13 support they need during pregnancy, and I firmly believe that minors should
14 seek out parental consent and guidance when dealing with any health-related
15 issue. However, I also think that it would be irresponsible to maintain barriers
16 to prenatal health care for young women. Eliminating such barriers can only
17 encourage an expectant mother to continue her pregnancy rather than terminate
18 it.

19
20 Accordingly, I am allowing this bill to become law without my signature.

21
22 Sincerely,
23 (signed)
24 Bill Owens

25
26
27 April 24, 2006

28
29 The Honorable Colorado House of Representatives
30 Sixty-Fifth General Assembly
31 Second Regular Session
32 State Capitol
33 Denver, CO 80203

34
35 Ladies and Gentlemen:

36
37 I am returning to the House of Representatives House Bill 06-1095,
38 "Concerning a Preference for the Purchase of Environmentally Preferable
39 Products by Governmental Entities." I vetoed this bill as of 2:12 p.m. today and
40 this letter sets forth my reasons for doing so.

41
42 House Bill 1095 requires governmental agencies, when purchasing supplies or
43 services, to award contracts to bidders that offer "environmentally preferable
44 products." Though the overall concept of the bill appears to be a responsible
45 approach to government procurement processes, there are significant
46 complications that would make implementation problematic.

47
48 There does not currently exist a uniform standard for making an
49 "environmentally preferable" determination of most products or services.
50 Although vendors may promote themselves as meeting environmentally friendly
51 standards, there is no formal, government-approved process for validating such
52 a claim.

53
54 As the *Rocky Mountain News* pointed out in an editorial, "The bill defines
55 'environmentally preferable' as having 'lesser or reduced effect on human
56 health and the environment' when compared with competing products that serve

1 the same purpose.... If a medical agency is buying vaccines, do we really want
2 the law to say it is permitted to pay more for vaccines that have a 'lesser or
3 reduced effect' on human health?"

4
5 Nationwide, market forces are already moving us in the direction of
6 environmentally sound practices and standards. However, it is impractical for
7 government to enact policy until universally recognized standards exist.

8
9 For these reasons, House Bill 1095, while certainly well intentioned, is
10 premature. The passage of this bill would likely result in increased confusion
11 in the procurement process.

12
13 Accordingly, I have vetoed this bill.

14
15 Sincerely,
16 (signed)
17 Bill Owens

18 _____
19
20 April 24, 2006

21
22 The Honorable Colorado House of Representatives
23 Sixty-Fifth General Assembly
24 Second Regular Session
25 State Capitol
26 Denver, CO 80203

27
28 Ladies and Gentlemen:

29
30 I am returning to the House of Representatives House Bill 06-1309,
31 "Concerning Increased Authority To Protect Air Quality." I vetoed this bill as
32 of 2:20 p.m. today and this letter sets forth my reasons for doing so.

33
34 In order to meet the requirements of the federal Clean Air Act, every state
35 formulates a State Implementation Plan. H.B. 1309 would allow the Colorado
36 Air Quality Control Commission to adopt air quality standards in the State
37 Implementation Plan that are more stringent than the national standards required
38 by the Environmental Protection Agency.

39
40 I have three significant points:

- 41
42 1. Colorado already is in compliance with all health-based air
43 quality standards.
44 2. The state presently has the authority to adopt more stringent
45 standards, if warranted.
46 3. Uniform air quality standards are essential if Colorado is to
47 remain competitive with other states.

48
49 Colorado's air quality has been consistently improving over the last two
50 decades. As a result, all areas of Colorado are in compliance with federal and
51 state health-based air quality standards. Over the last 20 years, carbon
52 monoxide, nitrogen oxide, sulfur dioxide, and particulate levels have been
53 significantly reduced, even as Colorado's population has increased rapidly. We
54 should all take pride in the cleaner air our children now breathe.

55

1 I believe in protecting Colorado's environment and adopting more stringent
2 standards in those circumstances where they make sense. In fact, under current
3 law the Colorado Air Quality Control Commission already has the authority to
4 adopt state-specific provisions that exceed federal requirements and it has used
5 this authority in many instances.

6
7 For example, the Commission already has a successful program to address
8 odorous air pollutants emitted from commercial and industrial sources, as well
9 as a program to regulate pollutants from open burning and prescribed fire use.
10 These are just two of several state programs that go over and above federal
11 requirements, exemplifying case-specific solutions to challenges Colorado has
12 faced. They are enforced as stringently as federal requirements.

13
14 Finally, if implemented, H.B. 1309 would hurt Colorado's economic
15 competitiveness. Colorado businesses depend on uniform national air quality
16 standards to provide a level playing field throughout the country. While H.B.
17 1309 contains exemptions for a few industries, such as agriculture, the fact is
18 that most businesses would be at a competitive disadvantage in the national
19 marketplace, making it harder to attract new jobs to our state.

20
21 Sharing these concerns are groups as diverse as the Colorado Competitive
22 Council, Colorado Farm Bureau, Colorado Rural Electric Association, IBEW
23 LU#111, the National Federation of Independent Business, the Colorado
24 Association of Commerce and Industry and the Colorado Association of
25 Municipal Utilities.

26
27 I believe that H.B. 1309 would needlessly expose Colorado to costly and
28 prolonged litigation in the future. It also would result in significant harm to
29 Colorado's economy without providing any tangible benefit to our state's air
30 quality.

31
32 Accordingly, I have vetoed this bill.

33
34 Sincerely,
35 (signed)
36 Bill Owens

INTRODUCTION OF RESOLUTION

37
38
39
40
41 The following resolution was read by title and laid over one day under the
42 rules:

43
44 **SJR06-037** by Senator(s) Traylor; also Representative(s) Jahn--
45 Concerning National Crime Victims' Rights Week.

INTRODUCTION OF MEMORIALS

46
47
48
49
50 The following memorials were read by title and laid over one day under
51 the rules:

52
53 **HJM06-1003** by Representative(s) Carroll T.; also Senator(s)
54 Gordon--Memorializing former senator and
55 representative Lawrence M. Henry.

56

1 **SJM06-003** by Senator(s) Tupa, Boyd, Brophy, Dyer, Entz, Evans, Fitz-
2 Gerald, Gordon, Groff, Grossman, Hagedorn, Isgar,
3 Johnson, Jones, Keller, Kester, Lamborn, May R., Mitchell,
4 Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor,
5 Teck, Tochtrop, Traylor, Veiga, Wiens, Williams, Windels;
6 also Representative(s) Riesberg, Garcia, Todd, Balmer,
7 Benefield, Buescher, Cadman, Carroll M., Carroll T.,
8 Cerbo, Coleman, Crane, Curry, Decker, Frangas, Gallegos,
9 Green, Hall, Hefley, Hodge, Jahn, Kerr A., Kerr J., Larson,
10 Lindstrom, Liston, Lundberg, Madden, Marshall, Massey,
11 McCluskey, McKinley, Merrifield, Paccione, Penry, Plant,
12 Pommer, Ragsdale, Romanoff, Rose, Solano, Soper,
13 Stengel, Sullivan, Vigil, Weissmann, Witwer--
14 Memorializing Congress to protect taxpayer privacy.
15

16 17 18 **LAY OVER OF CALENDAR ITEMS**

19
20 On motion of Representative McCluskey, the following items on the
21 Calendar were laid over until April 25, retaining place on Calendar:
22
23 Consideration of Third Reading--**HB06-1352**.
24 Consideration of General Orders--**HB06-1302, 1283, SB06-089,**
25 **HCR06-1002**.
26 Consideration of Resolutions--**HJR06-1022, HR06-1009, SJR06-020,**
27 **HJR06-1023, 1024, 1025, 1031, 1032, HR06-1011**.
28 Consideration of Memorial--**HM06-1003**.
29 Consideration of Senate Amendments--**HB06-1125, 1386**.
30 Consideration of Adherence--**SB06-067**.
31 Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369,**
32 **1371, 1374, 1010, 1056, 1077, 1148, 1174, 1212**.
33

34
35 On motion of Representative McCluskey, the House adjourned until
36 9:00 a.m., April 25, 2006.
37

38
39
40
41 Approved:
42 ANDREW ROMANOFF,
43 Speaker

41 Attest:
42 MARILYN EDDINS,
43 Chief Clerk