

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

Seventy-seventh Legislative Day

Tuesday, March 28, 2006

1 Prayer by Dr. C. Gene Selander, Crossroads, Broomfield.

2

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

4

5 Pledge of Allegiance led by Megan Quinn, Dunston Middle School,
6 Lakewood.

7

8 The roll was called with the following result:

9

10 Present--63.

11 Excused--Representatives Garcia, Madden--2.

12 Present after roll call--Representative Madden.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative McKinley, the reading of the journal of
18 March 27, 2006, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22 House in recess. House reconvened.

23

24

25

26

DELIVERY OF BILLS TO GOVERNOR

27

28 The Chief Clerk of the House of Representatives reports the following
29 bills have been delivered to the Office of the Governor: **HB06-1041,**
30 **1103, 1106, 1141, 1204, 1242, 1243, 1320, 1341** at 2:27 p.m., on
31 March 27, 2006.

32

33

34

MESSAGE FROM THE SENATE

35

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

38

39 SB06-073 amended as printed in Senate Journal, March 27, 2006,
40 pages 628-629, and on Third Reading, March 28, 2006, as
41 printed in the Senate Journal,

42 HB06-1244 amended as printed in Senate Journal, March 27, 2006,
43 page 628,

1 HB06-1016 amended as printed in Senate Journal, March 27, 2006, page
2 628.

3
4
5 **MESSAGE FROM THE REVISOR**

6
7 We herewith transmit:
8 Without comment, as amended, HB06-1244 and 1016.
9 Without comment, as amended, SB06-073.

10
11
12
13 **MESSAGES FROM THE GOVERNOR**

14
15 I certify I received the following on the 27th day of March, 2006, at
16 4:25 p.m. The original is on file in the records of the House of
17 Representatives of the General Assembly.

18
19 Marilyn Eddins,
20 Chief Clerk of the House

21 March 27, 2006

22
23 To the Honorable
24 House of Representatives
25 Sixty-fifth General Assembly
26 Second Regular Session
27 Denver, CO 80203

28
29 Ladies and Gentlemen:

30
31 I have the honor to inform you that I have approved and filed with
32 the Secretary of State the following Acts:

33
34 **HB06-1020** Concerning The Issuance Of Special License Plates For
35 Motor Vehicles Valued By Collectors Due To Their Early
36 Date Of Manufacture.

37
38 Approved March 27, 2006 at 9:21 a.m.

39
40 **HB06-1025** Concerning Concurrent Legislative Jurisdiction Over The
41 Real Property Constituting The Buckley Air Force Base.

42
43 Approved March 27, 2006 at 9:21 a.m.

44
45 **HB06-1031** Concerning The Reimbursement Allowed To Directors Of
46 The Southwestern Water Conservation District For
47 Nontravel Expenses.

48
49 Approved March 27, 2006 at 9:24 a.m.

50
51 **HB06-1032** Concerning Inflation Adjustments For Irrigation Districts.

52
53 Approved March 27, 2006 at 9:25 a.m.
54
55

1 **HB06-1033** Concerning The Modification Of The Manner In Which
2 The State Controller Makes Required Allocations Of
3 Two-Thirds Of The General Fund Surplus For Any State
4 Fiscal Year Commencing On Or After July 1, 2006, To
5 The Highway Users Tax Fund And One-Third Of Such
6 General Fund Surplus To The Capital Construction Fund
7 To Require The State Controller To Make Ninety Percent
8 Of The Estimated Annual Allocations On September 20
9 Of Each Year And The Remaining Amounts Of The
10 Allocations On The Date The State Controller Distributes
11 The Comprehensive Annual Report Of The State.
12

13 Approved March 27, 2006 at 9:26 a.m.

14
15 **HB06-1039** Concerning The Placement Of On-Premise Advertising
16 Devices At Comprehensive Developments.
17

18 Approved March 27, 2006 at 9:28 a.m.
19

20
21 **HB06-1040** Concerning The Sunset Review Of The Functions Of The
22 Division Of Insurance, And, In Connection Therewith,
23 Continuing The Functions Of The Division Relating To
24 The Issuance Of Certificates Of Authority For Health And
25 Life Insurers, Adding The Sunset Review Of The
26 Division's Regulation Of Life Insurance And Health Care
27 Coverage, Broadening The Sunset Review Of The
28 Regulation Of Property And Casualty Insurance, And
29 Requiring The Division To Track Information Pertaining
30 To Its Compliance With The Uniform Certificate Of
31 Authority Application Process.
32

33 Approved March 27, 2006 at 9:27 a.m.
34

35 **HB06-1048** Concerning The Discipline Of Persons Engaged In An
36 Occupation Regulated By The Division Of Registrations
37 In The Department Of Regulatory Agencies.
38

39 Approved March 27, 2006 at 9:28 a.m.
40

41
42 **HB06-1055** Concerning A Modification To The Exception To The
43 Limitation On Medical Impairment Benefits For Workers'
44 Compensation Claims Based On Mental Impairment.
45

46 Approved March 27, 2006 at 9:30 a.m.
47

48 **HB06-1061** Concerning Complaints By State Employees Alleging
49 Retaliation For Disclosure Of Information.
50

51 Approved March 27, 2006 at 9:32 a.m.
52

53
54 **HB06-1068** Concerning The Creation Of A Social Security
55 Supplemental Plan By The Board Of Directors Of The
56 Fire And Police Pension Association That Will Allow

- 1 Employers That Cover Employees Under The Federal
2 "Social Security Act" To Provide A Defined Benefit
3 Retirement Plan To Employees.
4
5 Approved March 27, 2006 at 9:40 a.m.
6
- 7 **HB06-1069** Concerning An Exemption From The Prohibition Against
8 The Corporate Practice Of Podiatry For A Podiatrist
9 Employed By A Health Care Entity.
10
11 Approved March 27, 2006 at 9:45 a.m.
12
- 13 **HB06-1079** Concerning Penalties Against Medical Providers For The
14 Unlawful Receipt Of Payment From Medicaid Recipients.
15
16 Approved March 27, 2006 at 11:00 a.m.
17
- 18 **HB06-1140** Concerning The Registration Of Trademarks.
19
20 Approved March 27, 2006 at 11:00 a.m.
21
- 22 **HB06-1143** Concerning The Authority Of A County Clerk And
23 Recorder To Request Criminal History Records For
24 Individuals Who Assist In The Process Of Conduction
25 Elections.
26
27 Approved March 27, 2006 at 11:01 a.m.
28
- 29 **HB06-1175** Concerning Enactment Of The "Colorado Clean Indoor
30 Air Act", And, In Connection Therewith, Prohibiting
31 Smoking In Indoor Enclosed Areas, Including Places Of
32 Employment.
33
34 Approved March 27, 2006 at 9:20 a.m.
35
- 36 **HB06-1177** Concerning The Regulation Of Asbestos Abatement
37 Activities, And, In Connection Therewith, Continuing
38 The Asbestos Control Program.
39
40 Approved March 27, 2006 at 11:02 a.m.
41
- 42 **HB06-1179** Concerning Peace Officer Authority In Colorado For
43 Certain Federal Law Enforcement Officers.
44
45 Approved March 27, 2006 at 11:03 a.m.
46
- 47 **HB06-1187** Concerning The Continuation Of The Utility Consumers'
48 Board.
49
50 Approved March 27, 2006 at 11:05 a.m.
51
- 52 **HB06-1250** Concerning An Increase In Fines Under The "Ski Safety
53 Act Of 1979" For Skiers Who Violate Existing Skier
54 Duties.
55
56 Approved March 27, 2006 at 11:06 a.m.

1 **HB06-1265** Concerning Additional Requirements Pertaining To Lead-
2 Based Paint Abatement.

3

4

Approved March 27, 2006 at 11:07 a.m.

5

6 Sincerely,

7 (signed)

8 Bill Owens

9 Governor

10

11

12 I certify I received the following on the 28th day of March, 2006, at
13 3:08 p.m. The original is on file in the records of the House of
14 Representatives of the General Assembly.

15

16

Marilyn Eddins,

17

Chief Clerk of the House

18

March 27, 2006

19

20 The Honorable Colorado House of Representatives

21 Sixty-Fifth General Assembly

22 Second Regular Session

23 State Capitol

24 Denver, Colorado 80203

25

26 Ladies and Gentlemen:

27

28 I am filing with the Secretary of State House Bill 06-1181, "Concerning
29 county sheriffs, and, in connection therewith, limiting the power of a
30 sheriff to revoke the appointment of a deputy at will and modifying the
31 liability of a sheriff for certain acts." I will neither sign nor veto House
32 Bill 06-1181. Therefore, this bill becomes law at 12:01 a.m. on March
33 28, 2006. This letter sets forth my reasons for letting this bill become
34 law without my signature.

35

36 House Bill 1181 places restrictions on the power of a county sheriff to
37 revoke the appointment of a deputy. In particular, the legislation:
38 changes the current "at pleasure" termination standard to an "at-will"
39 standard, requires sheriffs to adopt personnel policies for the review of
40 revocation of appointments, and requires sheriffs to meet "notification"
41 and "right to be heard" requirements prior to the termination of a deputy.
42 This bill restricts the ability of sheriffs to revoke the appointment of
43 deputies.

44

45 As elected officials, I believe sheriffs should have the full authority to
46 appoint and revoke the appointments of their deputies. This power is
47 essential for sheriffs to fulfill their sworn duties. I am concerned that
48 H.B. 1181 could have the unintended consequence of creating a
49 restrictive personnel system in an area that I believe requires significant
50 flexibility. While the bill itself does not set-up a restrictive personnel
51 system, it creates legal entitlements for deputies that could be interpreted
52 and expanded by the courts into a restrictive system. It is my hope that
53 this bill will not be interpreted as creating unnecessary restrictions on the
54 way sheriffs can effectively manage their staffing needs.

55

56

1 Over the past fifteen years, a variety of bills have been brought forth to
 2 address the authority of county sheriffs to revoke the appointments of
 3 their deputies. This year, for the first time, both organizations
 4 representing sheriffs and deputies unanimously came to an agreement
 5 and strongly believe that this bill is in their best interests. Despite my
 6 concerns, I will allow this bill to become law without my signature out
 7 of deference to the sheriffs' and the deputies' position.

8
 9 Sincerely,
 10 (signed)
 11 Bill Owens

12
 13
 14
 15 **INTRODUCTION OF BILL**
 16 **First Reading**

17
 18 The following bill was read by title and referred to the committee
 19 indicated:

20
 21 **SB06-073** by Senator(s) Tapia; also Representative(s) Merrifield--
 22 Concerning the age specifications relating to compulsory
 23 school attendance.
 24 Committee on Education

25
 26
 27
 28 **LAY OVER OF CALENDAR ITEMS**

29
 30 On motion of Representative Madden, the following items on the
 31 Calendar were laid over until March 29, retaining place on Calendar:

32
 33 Consideration of Special Orders--**HB06-1352, 1257, 1280, SB06-106.**
 34 Consideration of Third Reading--**SB06-041.**
 35 Consideration of General Orders--**SB06-115, 051, HB06-1096, 1314,**
 36 **HCR06-1001, SB06-067, HB06-1322, SB06-114, 066, 196, 013, 021,**
 37 **083, 163, 071, HB06-1379, SB06-177, 192.**
 38 Consideration of Resolutions--**HJR06-1016, 1019, 1020, HR06-1008,**
 39 **SJR06-013, 018.**
 40 Consideration of Memorial--**SJM06-002.**
 41 Consideration of Senate Amendments--**HB06-1095, 1125, 1287, 1318,**
 42 **1121, 1148, 1196, 1255, 1273.**
 43 Consideration of Governor's Veto--**HB06-1216.**

44
 45
 46
 47 On motion of Representative Penry, the House adjourned until 9:00 a.m.,
 48 March 29, 2006.

49
 50
 51 Approved:
 52 ANDREW ROMANOFF,
 53 Speaker

53 Attest:
 54 MARILYN EDDINS,
 55 Chief Clerk