

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

Sixty-third Legislative Day

Tuesday, March 14, 2006

1 Prayer by Dr. Pete Menconi, Greenwood Community Church, Greenwood  
 2 Village.

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

5  
 6 Pledge of Allegiance led by Jamie Derrieux from East Middle School,  
 7 Grand Junction.

8  
 9 The roll was called with the following result:

10  
 11 Present--63.  
 12 Excused--Representatives Coleman, Harvey--2.  
 13 Present after roll call--Representative Coleman.

14  
 15 The Speaker declared a quorum present.

16  
 17  
 18 On motion of Representative Liston, the reading of the journal of  
 19 March 13, 2006, was declared dispensed with and approved as corrected  
 20 by the Chief Clerk.

**THIRD READING OF BILLS--FINAL PASSAGE**

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

28  
 29 **HB06-1346** by Representative(s) McGihon; also Senator(s) Shaffer--  
 30 Concerning dependent health care coverage for a minor  
 31 child of a person eligible for dependent coverage.

32  
 33 Representative McGihon moved that HB06-1346 be adopted on third  
 34 reading and final passage. A substitute motion by Representative Penry  
 35 that the bill be rereferred to the Committee on Business Affairs & Labor  
 36 was declared **lost** by the following roll call vote:

YES	29	NO	35	EXCUSED	01	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	N
Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
Boyd	N	Gardner	Y	Madden	N	Schultheis	Y

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

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**.

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

37 Co-sponsors added: Representatives Benefield, Cerbo, Hodge, Lindstrom,  
 38 Madden, Merrifield, Plant, Ragsdale, Todd, Vigil.

39  
 40 **HB06-1354** by Representative(s) Madden; also Senator(s) Teck--  
 41 Concerning the amount of the fair market value of a  
 42 conservation easement in gross donated to a nonprofit  
 43 entity that may be claimed as a credit against the state  
 44 income tax.

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

	YES	61	NO	03	EXCUSED	01	ABSENT	00
52	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
53	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
54	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
55	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
56	Boyd	Y	Gardner	N	Madden	Y	Schultheis	Y

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

13 Co-sponsors added: Representatives Berens, Massey, McCluskey, Merrifield,  
14 Plant, Stafford, Stengel, Witwer.

15  
16 **HB06-1357** by Representative(s) Ragsdale; also Senator(s) Isgar--  
17 Concerning a prohibition on the inspection of applications  
18 for marriage licenses.

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	50	NO	14	EXCUSED	01	ABSENT	00
26	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
27	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
28	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
29	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
30	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
31	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
32	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
33	Cadman	N	Harvey	E	May	Y	Stafford	N
34	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
35	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
36	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
37	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
38	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	N
39	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
40	Crane	Y	King	N	Penry	N	White	Y
41	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Crane, Todd.

44  
45 **SB06-079** by Senator(s) Groff; also Representative(s) Buescher--  
46 Concerning the post-enactment review of the  
47 implementation of bills by nonpartisan legislative staff.

48  
49 The question being "Shall the bill pass?".  
50 A roll call vote was taken. As shown by the following recorded vote, a  
51 majority of those elected to the House voted in the affirmative and the bill  
52 was declared **passed**.

54	YES	61	NO	03	EXCUSED	01	ABSENT	00
55	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
56	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y

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

16 Co-sponsors added: Representatives Benefield, Berens, Carroll M, Carroll T,  
 17 Coleman, Frangas, Larson, Madden, Penry, Speaker.

18  
 19 **SB06-078** by Senator(s) Wiens, Isgar, May R.; also Representative(s)  
 20 McKinley, Green, Borodkin, Hefley, Larson, Stafford--  
 21 Concerning a prohibition against the exercise of the power  
 22 of eminent domain by a private corporation to condemn  
 23 the private property of another person or entity for the  
 24 purpose of acquiring rights-of-way for a private toll road  
 25 or private toll highway.

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

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

50 Co-sponsors added: Representatives Berens, Boyd, Butcher, Carroll M, Clapp,  
 51 Cloer, Coleman, Crane, Decker, Frangas, Gallegos, Gardner, Hodge, Hoppe,  
 52 Jahn, Kerr, King, Knoedler, Liston, Madden, Marshall, Massey, May,  
 53 McCluskey, Merrifield, Paccione, Penry, Ragsdale, Rose, Solano, Stengel,  
 54 Sullivan, Todd, White, Witwer, Speaker.

1 **HB06-1018** by Representative(s) Riesberg; also Senator(s) Hagedorn,  
 2 Bacon--Concerning an increase in the funding to the older  
 3 Coloradans cash fund from the receipts collected from the  
 4 state sales and use tax, and making an appropriation  
 5 therefor.  
 6

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

	YES	56	NO	08	EXCUSED	01	ABSENT	00
13	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
14	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
15	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
16	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
17	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
18	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
19	Butcher	Y	Hall	N	Massey	Y	Soper	Y
20	Cadman	N	Harvey	E	May	Y	Stafford	Y
21	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
22	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
23	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
24	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
25	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
26	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
27	Crane	Y	King	Y	Penry	Y	White	Y
28	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
29							Speaker	Y

30 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Buescher, Cloer,  
 31 Coleman, Decker, Frangas, Green, Hodge, Jahn, King, Knoedler, Larson,  
 32 Madden, McCluskey, Merrifield, Paccione, Penry, Ragsdale, Solano, Todd,  
 33 Vigil, White, Witwer.  
 34

35 **HB06-1046** by Representative(s) Vigil, Coleman, White; also  
 36 Senator(s) Hanna, Takis, Taylor--Concerning regulation of  
 37 private occupational schools, and making an appropriation  
 38 therefor.  
 39

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

	YES	62	NO	02	EXCUSED	01	ABSENT	00
46	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
47	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
48	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
49	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
50	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
51	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
52	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
53	Cadman	Y	Harvey	E	May	Y	Stafford	Y
54	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
55	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
56	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 Co-sponsors added: Representatives Borodkin, Jahn, Solano.

8  
9 **HB06-1274** by Representative(s) Hodge; also Senator(s) Entz--  
10 Concerning the uniform regulation of pesticide applicators  
11 under the pesticide applicators' act, and, in connection  
12 therewith, regulating private applicators, and making an  
13 appropriation.

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

19	YES	56	NO	08	EXCUSED	01	ABSENT	00
21	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
22	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
23	Berens	Y	Gallegos	N	Liston	N	Riesberg	Y
24	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
25	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
26	Buescher	Y	Green	N	Marshall	Y	Solano	Y
27	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
28	Cadman	N	Harvey	E	May	N	Stafford	Y
29	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
30	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
31	Cerbo	N	Hoppe	Y	McGihon	Y	Todd	Y
32	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
33	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
34	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
35	Crane	Y	King	Y	Penry	Y	White	Y
36	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
37							Speaker	Y

38 Co-sponsors added: Representatives Berens, Clapp, Hall, Hoppe, Kerr, King,  
39 Paccione, Penry, Ragsdale, Rose, Stafford.

40  
41 **HB06-1313** by Representative(s) Curry; also Senator(s) Isgar--  
42 Concerning the funding of Colorado water conservation  
43 board projects, and, in connection therewith, making  
44 appropriations.

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

51	YES	62	NO	02	EXCUSED	01	ABSENT	00
52	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
53	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
54	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
55	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
56	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N

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

13 Co-sponsors added: Representatives Berens, Hall, Hodge, Hoppe, Merrifield,  
14 Paccione, Penry, Rose, Solano, Todd, Witwer.

15  
16 **HB06-1339** by Representative(s) Garcia; also Senator(s) Spence--  
17 Concerning the creation of a Denver broncos special  
18 license plate, and making an appropriation therefor.

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	52	NO	12	EXCUSED	01	ABSENT	00
26	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
27	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
28	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	N
29	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	N
30	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
31	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
32	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
33	Cadman	N	Harvey	E	May	N	Stafford	Y
34	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
35	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
36	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
37	Clapp	N	Jahn	N	McKinley	N	Vigil	Y
38	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
39	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
40	Crane	Y	King	Y	Penry	Y	White	N
41	Curry	Y	Knoedler	Y	Plant	N	Witwer	N
42							Speaker	Y

43 Co-sponsors added: Representatives Berens, Borodkin, Cloer, Curry, Frangas,  
44 Kerr, Knoedler, Penry, Stafford, Todd, Vigil.

45  
46  
47  
48 On motion of Representative Madden, **HB06-1368, 1369, 1370, 1371,**  
49 **1372, 1373, 1374, 1275** were added to the Special Orders Calendar ( as  
50 laid over from March 13) on Tuesday, March 14, 2006.

51  
52  
53 On motion of Representative Curry, the House resolved itself into  
54 Committee of the Whole for consideration of Special Orders and she was  
55 called to the Chair to act as Chairman.

56

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

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

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

**HB06-1193** by Representative(s) Carroll M., Borodkin, Cerbo, Weissmann; also Senator(s) Hagedorn--Concerning protection for health care workers alleging violation of standards of health care practice.

Amendment No. 1, Health and Human Services Report, dated February 20, 2006, and placed in member's bill file; Report also printed in House Journal, February 22, pages 453-454.

Amendment No. 2, by Representative Carroll M.

Strike the Health and Human Services Committee Report, dated February 20, 2006, and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1.** Part 4 of article 34 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-34-407. Health care workers - retaliation prohibited - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DISCIPLINARY ACTION" MEANS ANY DIRECT OR INDIRECT FORM OF DISCIPLINE OR PENALTY, INCLUDING, BUT NOT LIMITED TO, DISMISSAL, DEMOTION, TRANSFER, REASSIGNMENT, SUSPENSION, CORRECTIVE ACTION, REPRIMAND, ADMONISHMENT, UNSATISFACTORY OR BELOW-STANDARD PERFORMANCE EVALUATION, REDUCTION IN FORCE, WITHHOLDING OF WORK, CHANGES IN WORK HOURS, OR THE THREAT OF ANY SUCH DISCIPLINE OR PENALTY. "DISCIPLINARY ACTION" SHALL NOT MEAN ACTION TAKEN WHICH IS RELATED TO STAFFING OR PATIENT CARE NEEDS.

(b) "GOOD FAITH REPORT OR DISCLOSURE" MEANS A REPORT REGARDING PATIENT SAFETY INFORMATION OR QUALITY OF PATIENT CARE THAT IS MADE WITHOUT MALICE OR CONSIDERATION OF PERSONAL BENEFIT AND THAT THE PERSON MAKING THE REPORT HAS REASONABLE CAUSE TO BELIEVE IS TRUE. "GOOD FAITH REPORT OR DISCLOSURE" ALSO MEANS, WITH RESPECT TO PATIENT CARE, A REPORT REGARDING ANY PRACTICE, PROCEDURE, ACTION, OR FAILURE TO ACT WITH REGARD TO PATIENT SAFETY THAT CONCERNS INFORMATION REGARDING A GENERALLY ACCEPTED STANDARD OF CARE, A LAW, RULE, REGULATION, OR DECLARATORY RULING ADOPTED PURSUANT TO LAW, OR COMPLIANCE WITH A PROFESSIONAL LICENSURE REQUIREMENT, WHICH REPORT IS MADE WITHOUT MALICE OR CONSIDERATION OF PERSONAL BENEFIT AND THAT



1 THE PERSON MAKING THE REPORT HAS REASONABLE CAUSE TO BELIEVE IS  
2 TRUE.

3

4 (c) "HEALTH CARE PROVIDER" MEANS ANY HEALTH CARE FACILITY  
5 LICENSED UNDER SECTION 25-3-101, C.R.S., OR ANY INDIVIDUAL WHO IS  
6 AUTHORIZED TO PRACTICE SOME COMPONENT OF THE HEALING ARTS BY A  
7 LICENSE, CERTIFICATE, OR REGISTRATION.

8

9 (d) "HEALTH CARE WORKER" MEANS ANY PERSON CERTIFIED,  
10 REGISTERED, OR LICENSED PURSUANT TO ARTICLE 22, 29.5, 32, 33, 35, 36,  
11 37, 38, 38.1, 39, 40, 41, 41.5, 42, OR 43 OF TITLE 12, C.R.S., OR CERTIFIED  
12 PURSUANT TO SECTION 25-3.5-203, C.R.S.

13

14 (2) (a) A HEALTH CARE PROVIDER SHALL NOT TAKE DISCIPLINARY  
15 ACTION AGAINST A HEALTH CARE WORKER IN RETALIATION FOR MAKING  
16 A GOOD FAITH REPORT OR DISCLOSURE.

17

18 (b) THIS SECTION SHALL NOT APPLY TO A HEALTH CARE WORKER  
19 WHO DISCLOSES INFORMATION THAT THE WORKER KNOWS TO BE FALSE,  
20 WHO DISCLOSES INFORMATION WITH DISREGARD FOR THE TRUTH OR  
21 FALSITY THEREOF, OR WHO DISCLOSES INFORMATION TO COMPLY WITH  
22 SUBSECTION (3) OF THIS SECTION.

23

24 (c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO GRANT  
25 IMMUNITY TO A HEALTH CARE WORKER FOR HIS OR HER OWN ACTS OF  
26 MEDICAL NEGLIGENCE, FOR UNPROFESSIONAL CONDUCT SUBJECT TO  
27 PROFESSIONAL REVIEW ACTIVITIES AUTHORIZED BY STATE OR FEDERAL  
28 LAW, FOR A BREACH OF A PROFESSIONAL LICENSURE REQUIREMENT, OR  
29 FOR A VIOLATION OF ANY STATE OR FEDERAL LAW REQUIRING  
30 CONFIDENTIALITY OF PATIENT INFORMATION.

31

32 (3) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE  
33 REGARDING PATIENT SAFETY OR QUALITY OF PATIENT CARE, A HEALTH  
34 CARE WORKER SHALL FOLLOW THE INTERNAL REPORTING PROCEDURES OF  
35 THE HEALTH CARE PROVIDER, TO THE EXTENT SUCH PROCEDURES EXIST  
36 AND ARE PROVIDED TO THE HEALTH CARE WORKER IN WRITING, AND SHALL  
37 EXHAUST SUCH PROCEDURES PRIOR TO PURSUING ANY FURTHER  
38 REPORTING OR DISCLOSURE ACTIVITY.

39

40 (4) NOTHING IN THIS SECTION SHALL PREVENT A HEALTH CARE  
41 PROVIDER FROM TAKING DISCIPLINARY ACTION AGAINST A HEALTH CARE  
42 WORKER FOR REASONS OTHER THAN THOSE SPECIFIED IN SUBSECTION (2)  
43 OF THIS SECTION, IF THE DISCIPLINARY ACTION COMPLIES WITH EXISTING  
44 LAW. EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, NOTHING  
45 IN THIS SECTION SHALL BE CONSTRUED TO CHANGE THE AT-WILL  
46 EMPLOYMENT STATUS OF A HEALTH CARE WORKER.

47

48 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREEMPT  
49 EXISTING LAWS, REGULATIONS, OR RULES PERTAINING TO PATIENT CARE,  
50 INCLUDING PROFESSIONAL REVIEW PROCEEDINGS FOR HEALTH  
51 PROFESSIONALS OR FOR PHYSICIANS PURSUANT TO PART 1 OF ARTICLE 36.5  
52 OF TITLE 12, C.R.S., OR QUALITY AND SAFETY STANDARDS FOR A HEALTH  
53 CARE FACILITY LICENSED PURSUANT TO SECTION 25-3-101, C.R.S.

54

55

1           **SECTION 2. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety."

4  
5 Page 1, line 101, after "FOR", insert "ALL" and strike "ALLEGING" and  
6 substitute "WHO REPORT PATIENT SAFETY INFORMATION.";

7  
8 strike line 102."

9  
10 As amended, ordered engrossed and placed on the Calendar for Third  
11 Reading and Final Passage.

12  
13 **HB06-1368** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
14 Tapia, Keller, Owen--Concerning a supplemental  
15 appropriation to the department of education.

16  
17 Ordered engrossed and placed on the Calendar for Third Reading and  
18 Final Passage.

19  
20 **HB06-1369** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
21 Tapia, Keller, Owen--Concerning a supplemental  
22 appropriation to the department of health care policy and  
23 financing.

24  
25 Amendment No. 1, Appropriations Report, dated March 13, 2006, and  
26 placed in member's bill file; Report also printed in House Journal, March  
27 13, pages 728-730.

28  
29 As amended, ordered engrossed and placed on the Calendar for Third  
30 Reading and Final Passage.

31  
32 **HB06-1370** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
33 Tapia, Keller, Owen--Concerning a supplemental  
34 appropriation to the department of higher education.

35  
36 Ordered engrossed and placed on the Calendar for Third Reading and  
37 Final Passage.

38  
39 **HB06-1371** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
40 Tapia, Keller, Owen--Concerning a supplemental  
41 appropriation to the department of human services.

42  
43 Amendment No. 1, Appropriations Report, dated March 13, 2006, and  
44 placed in member's bill file; Report also printed in House Journal, March  
45 13, page 731.

46  
47 As amended, ordered engrossed and placed on the Calendar for Third  
48 Reading and Final Passage.

49  
50 **HB06-1372** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
51 Tapia, Keller, Owen--Concerning a supplemental  
52 appropriation to the department of public health and  
53 environment.

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

1 **HB06-1373** by Representative(s) Buescher, Hall, Plant; also Senator(s)  
2 Tapia, Keller, Owen--Concerning construction of  
3 improvements at the Colorado mental health institute in  
4 Pueblo, and making an appropriation therefor.  
5

6 Amendment No. 1, Appropriations Report, dated March 13, 2006, and  
7 placed in member's bill file; Report also printed in House Journal, March  
8 13, page 731.  
9

10 Amendment No. 2, by Representative Buescher.

11  
12 Amend printed bill, page 4, strike line 18 and substitute the following:  
13

14 **SECTION 5. Appropriation.** (1) (a) In addition to any other  
15 appropriation, there is hereby appropriated, out of any moneys in the  
16 general fund not otherwise appropriated, to the capital construction fund,  
17 for the fiscal year beginning July 1, 2005, the sum of twenty million  
18 dollars (\$20,000,000) or so much as may be necessary, for the  
19 implementation of this act.  
20

21 (b) In addition to any other";

22  
23 line 20, strike "general" and substitute "capital construction";

24  
25 after line 23, insert the following  
26

27 "(c) The moneys appropriated in this subsection (1) shall remain  
28 available until completion of the project or for a period of three years,  
29 whichever comes first, at which time unexpended and unencumbered  
30 balances shall revert to the capital construction fund."  
31

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

35 **HB06-1374** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
36 Tapia, Keller, Owen--Concerning the funding of public  
37 school capital construction, and, in connection therewith,  
38 making appropriations to fund public school capital  
39 construction for the 2005-06 fiscal year.  
40

41 Ordered engrossed and placed on the Calendar for Third Reading and  
42 Final Passage.  
43

44 **HB06-1275** by Representative(s) McKinley, Butcher, Gallegos,  
45 Gardner; also Senator(s) Brophy--Concerning the  
46 determination of the actual value for property tax purposes  
47 of property used to generate electricity from wind.  
48

49 Amendment No. 1, Finance Report, dated March 2, 2006, and placed in  
50 member's bill file; Report also printed in House Journal, March 3, pages  
51 621-622.  
52

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

56

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

2  
3 Passed Second Reading: **HB06-1193 amended, 1368, 1369 amended,**  
4 **1370, 1371 amended, 1372, 1373 amended, 1374, 1275 amended.**

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.**

YES	63	NO	00	EXCUSED	02	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	E	Harvey	E	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
Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
Crane	Y	King	Y	Penry	Y	White	Y
Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
						Speaker	Y

30  
31  
32       **REPORTS OF COMMITTEE OF REFERENCE**

33  
34       **BUSINESS AFFAIRS & LABOR**

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

37  
38       **HB06-1197**   be postponed indefinitely.

39  
40  
41       **SB06-006**   be referred to the Committee of the Whole with favorable  
42 recommendation.

43  
44  
45       **SB06-014**   be referred to the Committee of the Whole with favorable  
46 recommendation.

47  
48  
49       **SB06-107**   be referred to the Committee of the Whole with favorable  
50 recommendation.

51  
52  
53       **SB06-180**   be referred to the Committee of the Whole with favorable  
54 recommendation.



1                                   **MESSAGE FROM THE REVISOR**

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We herewith transmit:  
Without comment, as amended, HB06-1106, 1112, 1242, 1093, and 1156.  
Without comment, as amended, SB06-176.  
We herewith retransmit:  
Without comment, as amended, HB06-1087.

10  
11                                   **INTRODUCTION OF BILL**  
12                                   **First Reading**

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

**SB06-176** by Senator(s) Spence; also Representative(s) Massey--  
Concerning requirements for educators, and making an  
appropriation therefor.  
Committee on Education  
Committee on Appropriations

23  
24                                   Correction

25  
26  
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H.J. page 732, strike lines 31-33 and substitute the following:

**HB06-1378** by Representative(s) Plant--Concerning the allocation of  
severance tax proceeds for land conservation purposes.  
Committee on Local Government".

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33                                   **LAY OVER OF CALENDAR ITEMS**

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On motion of Representative Garcia, the following items on the Calendar were laid over until March 15, retaining place on Calendar:

Consideration of Special Orders--**HB06-1280, 1327, SB06-121, 134.**  
Consideration of General Orders--**HB06-1352, SB06-115, HB06-1060, 1201, 1278, 1293, 1310, SB06-055, 108.**  
Consideration of Conference Committee Report--**HB06-1215.**  
Consideration of Resolutions--**HJR06-1015, 1016.**  
Consideration of Memorial--**HM06-1002.**  
Consideration of Senate Amendment--**HB06-1125.**  
Consideration of Governor's Veto--**HB06-1216.**

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On motion of Representative Pommer, the House adjourned until 9:00 a.m., March 15, 2006.

51                                   Approved:  
52                                   ANDREW ROMANOFF,  
53                                   Speaker

54  
55  
56

Attest:  
MARILYN EDDINS,  
Chief Clerk