

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

Thirty-fourth Legislative Day

Monday, February 13, 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 Ethan Green, Rock Ridge Elementary  
6 School, Castle Rock.

7

8 The roll was called with the following result:

9

10 Present--63.

11 Excused--Representative Todd--1.

12 Absent--Representative Pommer--1.

13 Present after roll call--Representatives Pommer, Todd.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Cadman, the reading of the journal of  
19 February 10, 2006, was declared dispensed with and approved as  
20 corrected by the Chief Clerk.

21

22

23

24

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

25

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

29

30 **HB06-1188** by Representative(s) Lindstrom--Concerning the  
31 requirement that mechanical conveyances be inspected in  
32 accordance with a national safety standard.

33

34 Laid over until February 14, retaining place on Calendar.

35

36 **HB06-1175** by Representative(s) May M., Pommer, Larson, Balmer,  
37 Benefield, Berens, Boyd, Carroll T., Frangas, Hall,  
38 Lindstrom, McCluskey, McGihon, Riesberg, Soper,  
39 Stengel, Sullivan, Todd, Vigil; also Senator(s) Grossman,  
40 Evans, Fitz-Gerald, Groff, Johnson, Tupa, Windels--  
41 Concerning enactment of the "Colorado Clean Indoor Air  
42 Act", and, in connection therewith, prohibiting smoking in  
43 indoor enclosed areas, including places of employment.

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

24 Co-sponsors added: Representatives Borodkin, Plant.

25  
 26 **HB06-1036** by Representative(s) Carroll M., Coleman; also Senator(s)  
 27 Tochtrop--Concerning the requirement that automobile  
 28 insurance carriers offer medical payments coverage in  
 29 connection with an automobile insurance policy issued in  
 30 Colorado.

31  
 32 The question being "Shall the bill pass?".  
 33 A roll call vote was taken. As shown by the following recorded vote, less  
 34 than a majority of those elected to the House voted in the affirmative and  
 35 the bill was declared **lost**.

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

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

4

5

6

7

## GENERAL ORDERS--SECOND READING OF BILLS

8

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

13

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

16

17 **HB06-1028** by Representative(s) Carroll T.; also Senator Mitchell--  
18 Concerning an increase in the number of judges in certain  
19 courts within the state judicial department, and making an  
20 appropriation therefor.

21

22 Amendment No. 1, Judiciary Report, dated January 19, 2006, and placed  
23 in member's bill file; Report also printed in House Journal, January 23,  
24 pages 192-193.

25

26 Amendment No. 2, Appropriations Report, dated February 3, 2006, and  
27 placed in member's bill file; Report also printed in House Journal,  
28 February 3, pages 194-195.)

29

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

32

33

34 **HB06-1141** by Representative(s) Hall, Massey; also Senator(s)  
35 Grossman--Concerning the authorization of affiliated  
36 business arrangements relating to title insurance.

37

38 Amendment No. 1, Business Affairs and Labor Report, dated February  
39 1, 2006, and placed in member's bill file; Report also printed in House  
40 Journal, February 2, pages 172-175.

41

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

44

45

46 **HB06-1081** by Representative(s) Ragsdale; also Senator(s) Fitz-  
47 Gerald--Concerning a prohibition on the inspection of  
48 certain records maintained by designated election officials  
49 that relate to the identification of electors.

50

51 Amendment No. 1, by Representative Ragsdale.

52

53 Amend printed bill, page 2, line 8, after "NUMBER," insert "MONTH OF  
54 BIRTH, DAY OF THE MONTH OF BIRTH,";

55

1 line 11, after "NUMBER," insert "MONTH OF BIRTH, DAY OF THE MONTH OF  
2 BIRTH,".

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

6  
7 **HB06-1104** by Representative(s) Ragsdale; also Senator(s) Entz--  
8 Concerning a requirement that an applicant for an  
9 identification card contain the applicant's fingerprint.

10  
11 Ordered engrossed and placed on the Calendar for Third Reading and  
12 Final Passage.

13  
14 **HB06-1054** by Representative(s) Plant--Concerning AIDS prevention.

15  
16 Amendment No. 1, Health and Human Services Report, dated February  
17 1, 2006, and placed in member's bill file; Report also printed in House  
18 Journal, February 3, pages 203-205.

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

22  
23 **HB06-1148** by Representative(s) Vigil, Hefley, Benefield, Berens,  
24 Carroll M., Coleman, Crane, Frangas, Gallegos, Green,  
25 McKinley, Merrifield, Ragsdale, Soper, Welker; also  
26 Senator(s) Tapia, Bacon, Entz, Hanna, Keller, Kester,  
27 Teck, Williams, Windels--Concerning a prohibition  
28 against the shifting of financial responsibility for  
29 negligence in construction agreements.

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

33  
34 **HB06-1139** by Representative(s) White, Lindstrom, Plant; also  
35 Senator(s) Fitz-Gerald--Concerning the expenditure of  
36 limited gaming revenues from the state historical fund by  
37 cities that are authorized to conduct limited gaming.

38  
39 Amendment No. 1, Local Government Report, dated January 31, 2006,  
40 and placed in member's bill file; Report also printed in House Journal,  
41 February 3, pages 210-211.

42  
43 Amendment No. 2, by Representative Plant.

44  
45 Amend printed bill, page 2, strike lines 11 and 12 and substitute the  
46 following:

47  
48 "SECTION 2. 12-47.1-1202 (3) (i), Colorado Revised Statutes,  
49 is amended, and the said 12-47.1-1202 is further amended BY THE  
50 ADDITION OF A NEW SUBSECTION, to read:";

51  
52 strike line 14 and substitute the following:

53 "**legislative declaration.** (3) The governing bodies of the cities of  
54 Central, Black Hawk, and Cripple Creek shall not expend moneys from  
55 their twenty percent portion of the state historical fund unless they have  
56 adopted standards for distribution of grants from that portion of the fund.

1 At a minimum, such standards shall include the following:

2 (i) A provision that ~~requires~~ PROHIBITS a member of the governing  
3 body ~~to disclose any personal interest in a grant before voting on the~~  
4 ~~application~~ OR A FAMILY MEMBER RELATED TO THE MEMBER OF THE  
5 GOVERNING BODY FROM RECEIVING ANY GRANT FOR WHICH THE  
6 GOVERNING BODY EXERCISES GRANTING AUTHORITY; and

7

8 (3.5) (a) DIRECT EXPENDITURES OF MONEYS BY".

9

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

12

13 **HB06-1143** by Representative(s) Gallegos; also Senator(s) Kester--  
14 Concerning the authority of a county clerk and recorder to  
15 request criminal history records for individuals who assist  
16 in the process of conducting elections.

17

18 Amendment No. 1, Local Government Report, dated January 31, 2006,  
19 and placed in member's bill file; Report also printed in House Journal,  
20 February 3, page 211.

21

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

24

25 **HB06-1007** by Representative(s) Decker--Concerning the transfer of  
26 a motor vehicle to a person not licensed as a motor vehicle  
27 dealer for the purpose of scrapping the motor vehicle, and,  
28 in connection therewith, establishing requirements for  
29 such person to purchase or otherwise receive a motor  
30 vehicle, or parts thereof, and requiring a waiting period  
31 before scrapping an abandoned motor vehicle.

32

33 Amendment No. 1, Transportation & Energy Report, dated February 2,  
34 2006, and placed in member's bill file; Report also printed in House  
35 Journal, February 3, pages 211-212.

36

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

39

40 **HB06-1035** by Representative(s) Ragsdale, Green, Larson; also  
41 Senator(s) May R., Williams--Concerning motor vehicles  
42 required to stop before crossing at grade railroad tracks.

43

44 Amendment No. 1, Transportation & Energy Report, dated February 2,  
45 2006, and placed in member's bill file; Report also printed in House  
46 Journal, February 3, page 212.

47

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

50

51

52 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

53

54 Passed Second Reading: **HB06-1028 amended, 1141 amended,**  
55 **1081 amended, 1104, 1054 amended, 1148, 1139 amended,**  
56 **1143 amended, 1007 amended, 1035 amended.**

1 Laid over until date indicated retaining place on Calendar: **HB06-1156,**  
 2 **1152 amended, 1125, 1088, 1053, 1084, 1204, SB06-034, HB06-1030,**  
 3 **1055, 1115, 1119, 1144, 1174, 1079, 1126, 1309, 1076, 1159, 1165,**  
 4 **1181, 1183, 1010, 1105, 1118, 1132**--February 14, 2006.  
 5

6 The Chairman moved the adoption of the Committee of the Whole  
 7 Report. As shown by the following roll call vote, a majority of those  
 8 elected to the House voted in the affirmative, and the Report was  
 9 **adopted.**  
 10

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

29  
 30  
 31 House in recess. House reconvened.  
 32  
 33

### 34 PRINTING REPORT

35  
 36  
 37 The Chief Clerk reports the following bills have been correctly printed:  
 38 **HB06-1325, 1326.**  
 39

### 40 MESSAGE FROM THE SENATE

41  
 42  
 43  
 44 The Senate has passed on Third Reading and returns herewith HB06-  
 45 1014 and HB06-1087.  
 46

47 The Senate has passed on Third Reading and transmitted to the Revisor  
 48 of Statutes: SB06-083, SB06-126, SB06-160, SB06-124, SB06-029,  
 49

1 SB06-021, amended as printed in Senate Journal, February 10,  
2 page 176,  
3 SB06-039, amended as printed in Senate Journal, February 10,  
4 page 177.  
5

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6  
7  
8 **MESSAGE FROM THE REVISOR**  
9

10 We herewith transmit:  
11 Without comment, SB06-083, 126, 160, 124, and 029.  
12 Without comment, as amended, SB06-021 and 039.  
13

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14  
15 **INTRODUCTION OF BILLS**  
16 **First Reading**  
17

18 The following bills were read by title and referred to the committees  
19 indicated:  
20

21 **HB06-1327** by Representative(s) Cerbo--Concerning the creation of an  
22 alternative base period for the purpose of qualifying  
23 workers for unemployment insurance benefits.

24 Committee on Business Affairs and Labor  
25

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

29 Committee on Transportation & Energy  
30

31 **SB06-029** by Senator(s) Williams; also Representative(s) Garcia--  
32 Concerning a disclosure requirement in the private sale of  
33 a motor vehicle that may not qualify for a certification of  
34 emissions control.

35 Committee on Transportation & Energy  
36

37 **SB06-039** by Senator(s) Tochtrop, Entz, Taylor, Williams; also  
38 Representative(s) McGihon, Berens, Cerbo, McCluskey,  
39 Ragsdale, Vigil--Concerning the partial entry into the fire  
40 and police pension association defined benefit system by  
41 members of money purchase plans where all future  
42 eligible employees are required to participate in the  
43 defined benefit system.

44 Committee on Local Government  
45

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

50 Committee on Transportation & Energy  
51

52 **SB06-124** by Senator(s) Tapia, Keller, Owen; also Representative(s)  
53 Hall, Plant, Buescher--Concerning the transfer to the  
54 general fund of the fund balance remaining after the repeal  
55 of the electronic benefits transfer service fund.

56 Committee on Finance

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 Committee on Finance

5  
 6 **SB06-160** by Senator(s) Isgar; also Representative(s) Curry--  
 7 Concerning the membership of the governing board of a  
 8 local government retirement organization.  
 9 Committee on Local Government

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10  
 11  
 12  
 13  
 14 **LAY OVER OF CALENDAR ITEMS**

15  
 16 On motion of Representative Garcia, the following items on the Calendar  
 17 were laid over until February 14, retaining place on Calendar:

- 18  
 19 Consideration of Resolution--**SJR06-002**.  
 20 Consideration of Senate Amendments--**HB06-1012**.

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21  
 22  
 23  
 24 **Corrections**

25  
 26 H.J. page 284, line 9, after "1152" insert "amended"

27  
 28 H.J. February 10, 2006, strike "Page 315" and substitute "Page 314"

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29  
 30  
 31  
 32  
 33 On motion of Representative Witwer, the House adjourned until  
 34 9:00 a.m., February 14, 2006.

35  
 36  
 37 **Approved:**  
 38 **ANDREW ROMANOFF,**  
 39 **Speaker**

40 **Attest:**  
 41 **MARILYN EDDINS,**  
**Chief Clerk**