

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

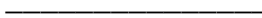
ADDENDUM

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado.)

1 **BUSINESS AFFAIRS & LABOR**

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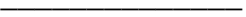
SB06-109 Adjournment Sine Die having passed, the House
Committee on Business Affairs and Labor returned Senate
Bill 06-109 to the House of Representatives.



10 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

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The Speaker has signed: **HB06-1001, 1003, 1004, 1006, 1008, 1011,
1017, 1024, 1045, 1046, 1054, 1057, 1058, 1072, 1086, 1092, 1121,
1124, 1127, 1145, 1147, 1149, 1151, 1153, 1157, 1158, 1159, 1161,
1169, 1171, 1176, 1178, 1201, 1209, 1211, 1257, 1266, 1270, 1274,
1277, 1278, 1281, 1283, 1288, 1293, 1294, 1302, 1304, 1306, 1310,
1311, 1312, 1313, 1314, 1315, 1317, 1322, 1323, 1326, 1330, 1331,
1336, 1337, 1339, 1343, 1344, 1346, 1347, 1360, 1362, 1363, 1364,
1379, 1380, 1381, 1382, 1383, 1384, 1386, 1387, 1388, 1390, 1391,
1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1404, 1405,
1406, 1408, 1409, 1410, 1411; HJM06-1002, 1003; HM06-1003, 1004;
HJR06-1016, 1021, 1022, 1023, 1024, 1025, 1031, 1032, 1034, 1036,
1038; HR06-1011, 1012; SB06-004, 008, 011, 014, 015, 020, 022, 031,
036, 038, 044, 045, 046, 047, 048, 051, 061, 063, 064, 065, 067, 069,
073, 080, 081, 089, 094, 105, 110, 111, 114, 122, 126, 127, 128, 130,
131, 135, 136, 138, 148, 149, 150, 152, 165, 170, 171, 173, 179, 183,
188, 193, 197, 198, 201, 202, 203, 205, 206, 207, 208, 209, 211, 212,
213, 215, 217, 218, 219, 221, 224, 225, 227, 228, 229, 230, 233, 234,
235, 236, 237, 239; SCR06-001, 002; SJM06-003, 004; SJR06-015,
019, 028, 029, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041,
043, 044, 045, 046, 047, 049, 050, 051, 052, 053, 054.**



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34
35 **DELIVERY OF BILLS TO GOVERNOR**

36
37 The Chief Clerk of the House of Representatives reports the following
38 bills have been delivered to the Office of the Governor:

39
40 **HB06-1018, 1085, 1154** at 11:45 a.m., on May 9, 2006.

41

1 **HB06-1008, 1046, 1058, 1176, 1266, 1294, 1313, 1317, 1339, 1379,**
 2 **1381, 1383, 1392, 1394** at 2:20 p.m., on May 11, 2005.

3
 4 **HB06-1001, 1024, 1054, 1086, 1092, 1121, 1124, 1127, 1147, 1149,**
 5 **1151, 1153, 1157, 1158, 1159, 1161, 1171, 1178, 1209, 1211, 1270,**
 6 **1274, 1288, 1293, 1302, 1304, 1306, 1310, 1311, 1312, 1314, 1315,**
 7 **1323, 1331, 1336, 1337, 1343, 1360, 1362, 1364, 1384, 1388, 1390,**
 8 **1393, 1395, 1400, 1404, 1405, 1411** at 8:55 a.m., on May 23, 2006.

9
 10 **HB06-1003, 1004, 1006, 1011, 1017, 1045, 1057, 1169, 1201, 1257,**
 11 **1278, 1281, 1322, 1326, 1330, 1346, 1347, 1363, 1380, 1382, 1386,**
 12 **1396, 1397, 1398, 1399, 1406, 1408, 1409, 1410** at 1:35 p.m., on
 13 May 24, 2006.

14
 15 **HB06-1072, 1145, 1277, 1387, 1391** at 2:50 p.m., on May 31, 2006.

16
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 18
 19 **MESSAGE FROM THE SENATE**

20
 21 The Senate has failed to act on HJR06-1035. The resolution is returned
 22 herewith.

23
 24 The Senate has failed to act on HB06-1090. The bill is returned herewith.

25
 26
 27
 28 **MESSAGES FROM THE GOVERNOR**

29
 30 I certify I received the following on the 9th day of May, 2006, at
 31 3:50 p.m. The original is on file in the records of the House of
 32 Representatives of the General Assembly.

33
 34
 35 Marilyn Eddins,
 Chief Clerk of the House

36 May 8, 2006

37
 38 The Honorable Colorado House of Representatives
 39 Sixty-Fifth General Assembly
 40 Second Regular Session
 41 State Capitol
 42 Denver, Colorado 80203

43
 44 Ladies and Gentlemen:

45
 46 I am filing with the Secretary of State House Bill 06-1275, "Concerning The
 47 Determination of the Actual Value for Property Tax Purposes of Property Used
 48 to Generate Electricity From Wind." I will neither sign nor veto House Bill 06-
 49 1275. Therefore, this bill becomes law at 12:01 a.m. on May 9, 2006. This
 50 letter sets forth my reasons for letting this bill become law without my
 51 signature.

52
 53 For taxation purposes, H.B. 1275 creates a distinction between "existing" wind
 54 energy facilities and any "new" facilities placed in production on or after
 55 January 1, 2006. New wind energy facilities will be taxed using the income
 56 approach, assessing the energy produced, while existing facilities will continue

1 to be taxed on their property value. The result is that wind energy facilities
2 would be taxed differently and at different levels based solely on the date the
3 facilities are placed in production. While such an incongruent tax policy is
4 cause for concern, the proponents of H.B. 1275 argue that using the income
5 approach will ease the initial tax burden for new wind energy facilities and help
6 to facilitate future development of wind resources in Colorado.

7
8 In addition, the constitutionality of utilizing different tax methods for wind
9 energy facilities has been questioned. However, both the Office of Legislative
10 Legal Services and the Attorney General's Office have researched the
11 constitutionality of H.B. 1275, and both have concluded that this legislation can
12 be applied constitutionally.

13
14 While tax policy and legal concerns exist, the benefit of this legislation to the
15 state outweighs those concerns. H.B. 1275 will allow Colorado to compete in
16 the wind energy market and attract new businesses to the state. This legislation
17 will promote economic growth and further energy development in Colorado.

18
19 Accordingly, I am allowing this bill to become law without my signature.

20
21 Sincerely,
22 (signed)
23 Bill Owens

24
25
26 I certify I received the following on the 12th day of May, 2006, at
27 12:10 p.m. The original is on file in the records of the House of
28 Representatives of the General Assembly.

29
30
31 Marilyn Eddins,
32 Chief Clerk of the House

33
34 May 11, 2006

35 To the Honorable
36 House of Representatives
37 Sixty-fifth General Assembly
38 Second Regular Session
39 Denver, CO 80203

40 Ladies and Gentlemen:

41
42 I have the honor to inform you that I have approved and filed with
43 the Secretary of State the following Acts:

44
45 **HB06-1132** Concerning The Disposition Of Animals Impounded
46 Under Animal Cruelty Laws, And, In Connection
47 Therewith, Authorizing The Sale Of Such Animals With
48 The Proceeds Applied To the Cost Of Care Of Such
49 Impounded Animals, Authorizing Court Hearings On The
50 Reasonableness Of Costs Associated With Bonds To
51 Prevent The Disposition Of An Impounded Animal,
52 Authorizing The Recovery Of Such Costs Through
53 Restitution In Criminal Cases, And Making An
54 Appropriation.

55
56 Approved May 11, 2006 at 2:01 p.m.

1 **HB 06-1273** Concerning The Right Of Final Disposition Of The
2 Remains Of A Decedent.

3

4

Approved May 11, 2006 at 2:01 p.m.

5

6 **HB06-1355** Concerning The Consolidation Of Procedures Regulating
7 The Auction Of Certain Big Game Hunting Licenses,
8 And, In Connection Therewith, Consolidating The
9 Procedures Regulating The Raffle Of Hunting Licenses
10 For Sheep, Goats, Moose, Deer, Elk, And Pronghorn.

11

12

Approved May 11, 2006 at 2:02 p.m.

13

14 Sincerely,
15 (signed)
16 Bill Owens

17

18

19

20 I certify I received the following on the 18th day of May, 2006, at
21 2:10 p.m. The original is on file in the records of the House of
22 Representatives of the General Assembly.

23

24

Marilyn Eddins,
Chief Clerk of the House

25

26 May 17, 2006

27

28 To the Honorable
29 House of Representatives
30 Sixty-fifth General Assembly
31 Second Regular Session
32 Denver, CO 80203

33

34 Ladies and Gentlemen:

35

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

38

39 **HB06-1008** Concerning Reimbursement For Supplemental On-Line
40 Education Courses, And Making An Appropriation
41 Therefor.

42

43

Approved May 17, 2006 at 4:50 p.m.

44

45 **HB06-1018** Concerning An Increase In The Funding To The Older
46 Coloradans Cash Fund From The Receipts Collected From
47 The State Sales And Use Tax, And Making An
48 Appropriation Therefor.

49

50

Approved May 17, 2006 at 4:51 p.m.

51

52 **HB06-1046** Concerning Regulation Of Private Occupational Schools,
53 And Making An Appropriation Therefor.

54

55

Approved May 17, 2006 at 4:52 p.m.

56

- 1 **HB06-1154** Concerning The Issuance Of Heirloom Certificates, And
2 Making An Appropriation Therefor.
3
4 Approved May 17, 2006 at 4:53 p.m.
5
6 **HB06-1266** Concerning The Recovery Of Public Assistance Payments
7 For Which A Judgment Has Been Issued.
8
9 Approved May 17, 2006 at 4:54 p.m.
10
11 **HB06-1294** Concerning The Issuance Of A Rebuilder's Certificate Of
12 Title For Motor Vehicles For The Purposes Of Restoring
13 Such Vehicles.
14
15 Approved May 17, 2006 at 4:55 p.m.
16
17 **HB06-1313** Concerning The Funding Of Colorado Water Conservation
18 Board Projects, And, In Connection Therewith, Making
19 Appropriations.
20
21 Approved May 17, 2006 at 4:56 p.m.
22
23 **HB06-1383** Concerning The Regulation Of Insurers' Market Conduct
24 By The Commissioner Of Insurance.
25
26 Approved May 17, 2006 at 4:57 p.m.
27
28 **HB06-1392** Concerning The Authority Of The Division Of Alcohol
29 And Drug Abuse To Regulate Treatment Facilities.
30
31 Approved May 17, 2006 at 4:57 p.m.
32
33 **HB06-1394** Concerning Authorization For Rental Companies Of Class
34 A Motor Vehicles To Pay Two Percent Of Rental Fees In
35 Lieu Of Paying On The Vehicle's Taxable Value When
36 Paying Specific Ownership Taxes.
37
38 Approved May 17, 2006 at 4:59 p.m.
39

40 Sincerely,
41 (signed)
42 Bill Owens

43 _____
44
45 I certify I received the following on the 26th day of May, 2006, at
46 2:15 p.m. The original is on file in the records of the House of
47 Representatives of the General Assembly.
48

49 Marilyn Eddins,
50
51 Chief Clerk of the House
52 May 25, 2006
53

54 To the Honorable
55 House of Representatives
56 Sixty-fifth General Assembly

1 Second Regular Session
2 Denver, CO 80203

3
4 Ladies and Gentlemen:

5
6 I have the honor to inform you that I have approved and filed with
7 the Secretary of State the following Acts:

8
9 **HB06-1086** Concerning The Regulation Of Games Of Chance By The
10 Secretary Of State, And Making An Appropriation
11 Therefor.

12
13 Approved May 25, 2006 at 2:20 p.m.

14
15 **HB06-1121** Concerning Recognition Of Community Service
16 Performed By Students.

17
18 Approved May 25, 2006 at 2:20 p.m.

19
20 **HB06-1124** Concerning The Adjudication Of A Rotational Crop
21 Management Contract, And Making An Appropriation In
22 Connection Therewith.

23
24 Approved May 25, 2006 at 2:21 p.m.

25
26 **HB06-1153** Concerning Changes To Colorado's Sex Offender
27 Registration Laws, And Making an Appropriation In
28 Connection Therewith.

29
30 Approved May 25, 2006 at 2:21 p.m.

31
32 **HB06-1159** Concerning The Annexation Of Enclave Areas.

33
34 Approved May 25, 2006 at 2:22 p.m.

35
36 **HB06-1178** Concerning The Motorist Insurance Identification
37 Database Program Used To Identify Persons Who Own
38 Motor Vehicles That Are Not Insured, And, In
39 Connection Therewith, Making An Appropriation.

40
41 Approved May 25, 2006 at 2:22 p.m.

42
43 **HB06-1209** Concerning The Voluntary Contribution Designation
44 Benefiting The Colorado Special Olympics Fund That
45 Appears On The State Individual Income Tax Return
46 Forms, And, In Connection Therewith, Extending The
47 Period For The Contribution Designation.

48
49 Approved May 25, 2006 at 2:23 p.m.

50
51 **HB06-1211** Concerning Sanctions Under The Medical Assistance
52 Program.

53
54 Approved May 25, 2006 at 2:23 p.m.
55

- 1 **HB06-1288** Concerning The Election Of Nonpartisan School
2 Directors.
3
4 Approved May 25, 2006 at 2:24 p.m.
5
- 6 **HB06-1302** Concerning Auto Emissions Testing, And Making An
7 Appropriation Therefor.
8
9 Approved May 25, 2006 at 2:25 p.m.
10
- 11 **HB06-1310** Concerning Simplifying Procedures For Distributing
12 Tobacco Settlement Moneys Among The Programs
13 Currently Receiving The Moneys, And Making An
14 Appropriation In Connection Therewith.
15
16 Approved May 25, 2006 at 2:26 p.m.
17
- 18 **HB06-1311** Concerning The Species Conservation Trust Fund, And,
19 In Connection Therewith, Approving The Species
20 Conservation Eligibility List, Recapitalizing The Species
21 Conservation Trust Fund, And Making An Appropriation.
22
23 Approved May 25, 2006 at 2:26 p.m.
24
- 25 **HB06-1315** Concerning Juveniles Who Are Convicted As Adults Of
26 Class 1 Felonies, And Making An Appropriation In
27 Connection Therewith.
28
29 Approved May 25, 2006 at 2:27 p.m.
30
- 31 **HB06-1364** Concerning Offenses Related To The Location Of A
32 Protected Person.
33
34 Approved May 25, 2006 at 2:27 p.m.
35
- 36 **HB06-1381** Concerning Notification To The Capital Development
37 Committee Of Requests For Proposals Relating To Private
38 Prisons.
39
40 Approved May 25, 2006 at 2:27 p.m.
41
- 42 **HB06-1388** Concerning The Ability Of The Executive Director Of
43 The Department Of Revenue To Address Alleged
44 Violations Relating To Motor Vehicle Dealers.
45
46 Approved May 25, 2006 at 2:27 p.m.
47
- 48 **HB06-1404** Concerning The Creation Of A Support Education Special
49 License Plate, And Making An Appropriation Therefor.
50
51 Approved May 25, 2006 at 2:28 p.m.
52
53
54

1 **HB06-1405** Concerning A Supplemental Appropriation To Capital
2 Construction.

3

4

Approved May 25, 2006 at 2:28 p.m.

5

6

Sincerely,

7

(signed)

8

Bill Owens

9

10

11

12

13

May 26, 2006

14

15

To the Honorable

16

House of Representatives

17

Sixty-fifth General Assembly

18

Second Regular Session

19

Denver, CO 80203

20

21

Ladies and Gentlemen:

22

23

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

25

26

HB06-1001 Concerning Principals In Public Schools, And Making An
27 Appropriation In Connection Therewith.

28

29

Approved May 26, 2006 at 10:07 a.m.

30

31

HB06-1004 Concerning The Creation Of A Grant Program To Provide
32 Funding For Organizations That Supply Accessible
33 Educational Materials For Students With Print
34 Disabilities, And Making An Appropriation Therefor.

35

36

Approved May 26, 2006 at 10:08 a.m.

37

38

HB06-1057 Concerning Criminal Acts Involving Animals.
39

40

41

Approved May 26, 2006 at 10:10 a.m.

42

43

HB06-1257 Concerning Noise Mitigation Measures Along State
44 Highways, And Making An Appropriation Therefor.

45

46

Approved May 26, 2006 at 10:11 a.m.

47

48

HB06-1274 Concerning The Uniform Regulation Of Pesticide
49 Applicators Under The Pesticide Applicators' Act, And,
50 In Connection Therewith, Regulating Private Applicators,
51 And Making An Appropriation.

52

53

Approved May 26, 2006 at 10:11 a.m.

54

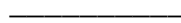
55

HB06-1293 Concerning The Fees Assessed On The Review Of Water
56 Plans To Replace Depletion Caused By Evaporation From
Exposure That Are Required For Open Mining Of

57

- 1 Sedimentary Stone Particulates Used In Construction
- 2 Materials, And Making An Appropriation In Connection
- 3 Therewith.
- 4
- 5 Approved May 26, 2006 at 10:12 a.m.
- 6
- 7 **HB06-1337** Concerning Penalties Levied Against A Person Who
- 8 Violates Water Quality Control Provisions, And Making
- 9 An Appropriation Therefor.
- 10
- 11 Approved May 26, 2006 at 10:14 a.m.
- 12
- 13 **HB06-1380** Concerning The Development Of Measures To Reduce
- 14 The Theft Of Retail Goods.
- 15
- 16 Approved May 26, 2006 at 10:15 a.m.
- 17
- 18 **HB06-1382** Concerning The Creation Of The “Right To Rest In Peace
- 19 Act”.
- 20
- 21 Approved May 26, 2006 at 10:00 a.m.
- 22
- 23 **HB06-1395** Concerning Residential Child Health Care, And Making
- 24 An Appropriation In Connection Therewith.
- 25
- 26 Approved May 26, 2006 at 10:01 a.m.
- 27
- 28 **HB06-1399** Concerning The Authority To Use A Percentage Of
- 29 Stipend Spending Authority To Purchase Postsecondary
- 30 Educational Services If Authorized By A Fee-For-Service
- 31 Contract.
- 32
- 33 Approved May 26, 2006 at 10:16 a.m.
- 34
- 35 **HB06-1400** Concerning Interbasin Compacts, And, In Connection
- 36 Therewith, Approving The Interbasin Compact Charter,
- 37 Altering The Boundaries That Define Certain Western
- 38 Slope Basin Roundtables, And Making An Appropriation.
- 39
- 40 Approved May 26, 2006 at 10:16 a.m.
- 41
- 42 **HB06-1408** Concerning Off-Site Ground Water Monitoring Wells In
- 43 Mining Operations.
- 44
- 45 Approved May 26, 2006 at 10:20 a.m.
- 46
- 47 **HB06-1409** Concerning The Authority To Simulcast Out-Of-State
- 48 Greyhound Races At Greyhound Race Facilities.
- 49
- 50 Approved May 26, 2006 at 10:22 a.m.

51
52 Sincerely,
53 (signed)
54 Bill Owens



55
56

1 May 26, 2006

2

3 The Honorable Colorado House of Representatives

4 Sixty-Fifth General Assembly

5 Second Regular Session

6 State Capitol

7 Denver, Colorado 80203

8

9 Ladies and Gentlemen:

10

11 I am filing with the Secretary of State House Bill 06-1346, "Concerning
12 dependent health care coverage for a minor child of a person eligible for
13 dependent coverage." I vetoed this bill as of 11:30 a.m. today and this letter
14 sets forth my reasons for doing so.

15

16 House Bill 1346 changes the definition of an eligible dependent and the
17 subsequent benefit a carrier makes available to employees. The definition of
18 an eligible dependent would be expanded to include minors of dependents
19 (grandchildren). To qualify, the grandchild would have to be financially
20 dependent upon and have the same legal residence as the parent of the
21 dependent.

22

23 I believe that H.B. 1346 has some merit in terms of expanding coverage to
24 uninsured individuals. However, I am very concerned that this bill would have
25 the unintended effect of increasing health care costs at a time when many
26 Coloradans are already struggling to afford health insurance.

27

28 Mandates such as those H.B. 1346 requires may be well intentioned, but
29 collectively they have the direct consequence of making health care less
30 affordable. I had similar concerns regarding H.B. 05-1101, "Concerning health
31 coverage for a dependent child not enrolled in an educational institution", which
32 I let become law without my signature last year. Since that time, increased
33 premiums have become a reality and would only be intensified under the
34 provisions of H.B. 1346.

35

36 Such bills take a very important decision – which benefits to offer – away from
37 the employer. While this may seem appropriate since the employee must pay
38 the additional premium for the dependent, I am concerned that these mandates
39 lessen an employer's control over benefits and contribute to increased
40 premiums, which directly impact employees.

41

42 The Commission on Mandated Health Insurance Benefits expressed concern
43 that H.B. 1346 could result in increasing the cost of insurance, leading
44 employers to stop offering coverage.

45

46 A report by the Commission states, "...the increase in premium may result in
47 some Coloradans losing their health coverage due to their and/or their
48 employers' inability to absorb additional cost, and the administrative costs to
49 employers of implementing such a mandate." The commission estimates that
50 the uninsured population could increase by roughly 1,200 to 2,400 individuals
51 as a result of the increased premiums from this mandate.

52

53 I agree with the concerns expressed by business groups such as the National
54 Federation of Independent Business and the Colorado Association of
55 Commerce and Industry that it would be irresponsible to add to health care costs
56 at a time when employers and employees are already seeing double-digit

1 increases. I believe this legislation could be counterproductive and increase the
2 number of uninsured individuals in Colorado.

3
4 Accordingly, I have vetoed this bill.

5
6 Sincerely,
7 (signed)
8 Bill Owens

9
10
11 May 26, 2006

12
13 The Honorable Colorado House of Representatives
14 Sixty-Fifth General Assembly
15 Second Regular Session
16 State Capitol
17 Denver, Colorado 80203

18
19 Ladies and Gentlemen:

20
21 I am filing with the Secretary of State House Bill 06-1336, "Concerning the
22 Enactment of the "Uniform Athlete Agents Act" and, in connection therewith,
23 conforming existing statutes governing the conduct of athlete agents, and
24 making an appropriation." I vetoed this bill as of 11:31 a.m. today and this
25 letter sets forth my reasons for doing so.

26
27 House Bill 1336 would require the registration of athlete agents who contact
28 students within the state of Colorado.

29
30 Disclosures required by this bill go beyond the jurisdiction of regulating the
31 athlete agent and are inconsistent with any other profession licensed by the
32 Division of Registration. Furthermore, the bill would give educational
33 institutions a statutory right of action against an athlete agent or former student
34 athlete for damages, while also allowing the recovery of costs and attorney fees
35 to the prevailing party.

36
37 As with any legislation seeking to impose additional regulations upon an
38 industry, the goal must be to create the least restrictive form of regulation
39 consistent with the public interest by showing that regulation is necessary to
40 protect public health, safety or welfare. Athlete agents are already governed
41 under C.R.S. 23-16-101 et. Seq. The normal procedure (required by state law)
42 for placing new regulations upon an industry begins with the sunrise review
43 process conducted by the Department of Regulatory Agencies. This process
44 provides an objective evaluation of the potential benefit or harm caused by
45 proposed regulation and makes recommendations for the least restrictive level
46 of regulation necessary to protect the public.

47
48 It is the informal opinion of the Attorney General's office that "the General
49 Assembly intended the sunrise review process to be applied where licensure,
50 certification, registration or other similar barrier to entry is proposed for an
51 occupation or profession that currently does not require a state of Colorado
52 license, certificate, registration or other similar barrier." Consequently, I
53 believe that requiring athlete agents to register with the state of Colorado falls
54 under the purview of a sunrise review. I strongly support the sunrise process,
55 which provides an unbiased opinion as to the necessity of proposed regulation.

56

1 H.B. 1336 fails to recognize existing student athlete protections, limits a student
2 athlete's rights under current law and fails to include any additional student
3 athlete protective provisions. Also, this bill does not include a sunset review
4 requirement, which would allow the General Assembly to determine continued
5 need for regulation.

6
7 Accordingly, I have vetoed this bill.

8
9 Sincerely,
10 (signed)
11 Bill Owens

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16
17 May 26, 2006

18
19 The Honorable Colorado House of Representatives
20 Sixty-Fifth General Assembly
21 Second Regular Session
22 State Capitol
23 Denver, CO 80203

24
25 Ladies and Gentlemen:

26
27 I am filing with the Secretary of State House Bill 06-1127, "Concerning the
28 regulation of athletic trainers, and making an appropriation in connection
29 therewith." I vetoed this bill as of 11:48 a.m. today and this letter sets forth my
30 reasons for doing so.

31
32
33 House Bill 1127 would require Colorado athletic trainers to become licensed
34 by meeting specific minimum educational criteria, pass the national exam and
35 obtain professional liability insurance of a minimum of \$100,000 with an
36 aggregate liability limit of \$300,000 per year. The bill would also create an
37 advisory committee and allocate certain general fund monies to implement the
38 program.

39
40
41 In 1995 and 2005, sunrise review reports were performed by the Department of
42 Regulatory Agencies which concluded that licensure of athletic trainers was not
43 justified. Currently in Colorado, athletic trainers who satisfy certain criteria are
44 exempted from the provisions of the Medical Practice Act (MPA) under section
45 12-36-106(3.5), C.R.S. This exemption restricts the types of services that may
46 be provided by athletic trainers and also limits who may receive such services.
47 The 2005 sunrise report found that the current MPA exemption offers an
48 adequate level of protection to the public. This absence of harm, coupled with
49 the potential costs to athletic trainers and taxpayers, leads to the conclusion that
50 regulation is unwarranted.

51
52
53 This profession is self-regulated through educational standards and national
54 certification standards. Athletic trainers trying to find employment without the
55 national certification have found it difficult to obtain a job, indicating that the
56 marketplace is efficient in regulating itself. I believe licensure of this

1 profession – like so many other new licensing schemes proposed by the
2 legislature this session – is both unnecessary and harmful to the consumer.

3
4 Accordingly, I have vetoed this bill.

5
6 Sincerely,
7 (signed)
8 Bill Owens

9
10 _____

11

12 May 26, 2006

13

14 The Honorable Colorado House of Representatives

15 Sixty-Fifth General Assembly

16 Second Regular Session

17 State Capitol

18 Denver, CO 80203

19

20 Ladies and Gentlemen:

21

22 I am filing with the Secretary of State House Bill 06-1314, "Concerning a
23 Prohibition Against Certain Employer Communications to and Employee". I
24 vetoed this bill as of 11:49 a.m. today and this letter sets forth my reasons for
25 doing so.

26

27 House Bill 1314 would prohibit an employer from requiring their employees to
28 attend or participate in a meeting or any form of communication or meeting
29 regarding "religious or political matters". Further, an employer would be
30 unable to discipline or discharge an employee for failure to participate.

31

32 I have many concerns regarding H.B. 1314. First, this bill is a direct and overt
33 limit on an employers' First Amendment right to freely communicate with their
34 employees. Committee testimony revealed that the supporters' main goal was
35 to prevent employers from potentially communicating to employees their
36 opposition to a union organizing effort. When facing an All-Union Agreement
37 election, I strongly believe employers have the right to state their position to
38 their employees.

39

40 Second, H.B. 1314 is in direct conflict with the National Labor Relations Act,
41 which provides that employers have the right to communicate with employees
42 by holding meetings and requiring attendance at those meetings.

43

44 Third, as pointed out by the Colorado Civil Justice League, this piece of
45 legislation violates Title VII of the Civil Rights Act of 1964 which prohibits
46 employment discrimination based on, among other things, religion. In such
47 cases, employers are *obligated* to address religious issues in the workplace.

48

49

50 Further, this bill states that "political matters" includes discussion on whether
51 or not to join a "community group or activity". Colorado and our many
52 communities benefit greatly from social and community activism inspired and
53 encouraged by employers. Discouraging employers from offering volunteer
54 opportunities by threatening them with civil litigation would not only be illegal,
55 but shameful. For example, last September – if this law had been in place –
56 employers would have been unable to discuss with their workers the many

1 volunteer activities available through churches and other groups to help the
2 evacuees from Hurricane Katrina who were arriving in Colorado.

3
4 I also agree with concerns raised by the Colorado Association of Commerce and
5 Industry that this bill likely would adversely affect Colorado's economy. CACI
6 recently stated, "Companies considering moving here would think twice before
7 agreeing to subject themselves to such drastic restrictions on communicating
8 with their workers."

9
10 H.B. 1314 restricts employers' First Amendment rights, contradicts federal law,
11 threatens Colorado employer-employee relations and jeopardizes the very core
12 of private sector involvement in community service.

13
14 Accordingly, I have vetoed this bill.

15
16 Sincerely,
17 (signed)
18 Bill Owens

19
20
21
22
23
24 May 26, 2006

25
26 The Honorable Colorado House of Representatives
27 Sixty-Fifth General Assembly
28 Second Regular Session
29 State Capitol
30 Denver, CO 80203

31
32 Ladies and Gentlemen:

33
34 I am filing with the Secretary of State House Bill 06-1331, "Concerning the
35 regulation of landscape architects, and making an appropriation therefore." I
36 vetoed this bill as of 11:52 a.m. today and this letter sets forth my reasons for
37 doing so.

38
39 House Bill 1331 would establish the "Landscape Architects Professional
40 Licensing Act", require professional liability insurance and allow for the use of
41 a landscape architecture stamp.

42
43 The sunrise reviews performed by the Department of Regulatory Agencies in
44 1995, 2002 and 2005 all concluded that there is no evidence the public would
45 benefit from a state regulatory program of this profession. Imposing state
46 regulations on this industry will create barriers to entry for future landscape
47 architects, threatens the viability of small businesses and raises costs to
48 consumers.

49
50 It is also important to point out that entities such as the National Parks Service
51 and the Colorado Department of Transportation do not require a landscape
52 architect to be licensed in order to obtain a federal or state contract in Colorado.
53 In addition, local governments have ably managed standards of competency
54 requirements that meet their own needs, without a statewide licensure program.

55

1 While the *industry* itself desires to be regulated – perhaps lessening competition
 2 from additional landscape architects – there is little evidence *consumers* desire
 3 such regulation.

4
 5 Accordingly, I have vetoed this bill.

6
 7 Sincerely,
 8 (signed)
 9 Bill Owens

10

11

12

13 I certify I received the following on the 31st day of May, 2006, at
 14 9:15 a.m. The original is on file in the records of the House of
 15 Representatives of the General Assembly.

16

17

Marilyn Eddins,
 Chief Clerk of the House

18

19

20

21 May 30, 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 **HB06-1306** Concerning The Requirement Of A Statewide Audit To
 35 Study The Implementation Of The “Secure And
 36 Verifiable Identity Document Act”.

37

38 Approved May 30, 2006 at 8:55 a.m.

39

40 **HB06-1323** Concerning Fraud In The Mortgage Lending Process,
 41 And, In Connection Therewith, Imposing A Minimum
 42 Fine, Limiting Plea Bargains, And Giving The Attorney
 43 General Concurrent Jurisdiction.

44

45 Approved May 30, 2006 at 10:27 a.m.

46

47 **HB06-1326** Concerning Identity Theft, And Making An Appropriation
 48 In Connection Therewith.

49

50 Approved May 30, 2006 at 10:26 a.m.

51

52 **HB06-1347** Concerning Creation Of The “Identity Theft And
 53 Financial Fraud Deterrence Act”, And Making An
 54 Appropriation In Connection Therewith.

55

56 Approved May 30, 2006 at 8:57 a.m.

1 **HB06-1379** Concerning A Requirement For Training To Implement
2 Witness Protection Programs.

3

4

Approved May 30, 2006 at 9:00 a.m.

5

6

Sincerely,

7

(signed)

8

Bill Owens

9

10

11

12 I certify I received the following on the 5th day of June, 2006, at
13 10:15 a.m. The original is on file in the records of the House of
14 Representatives of the General Assembly.

15

16

Marilyn Eddins,
Chief Clerk of the House

17

18

19

June 1, 2006

20

21

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

22

23

24

25

26

27

Ladies and Gentlemen:

28

29

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

30

31

32

HB06-1024 Concerning Underserved Students At Institutions Of
Higher Education.

33

34

35

Approved June 1, 2006 at 4:43 p.m.

36

37

HB06-1085 Concerning Expansion Of The Purposes For Which
Moneys In The Building Regulation Fund May Be
Expended, And Making An Appropriation In Connection
Therewith.

38

39

40

41

42

Approved June 1, 2006 at 4:45 p.m.

43

44

HB06-1158 Concerning School Safety Inspections, And Making An
Appropriation In Connection Therewith.

45

46

47

Approved June 1, 2006 at 4:46 p.m.

48

49

HB06-1171 Concerning Alcohol-And Drug-Related Driving Offenses.

50

51

Approved June 1, 2006 at 4:52 p.m.

52

53

HB06-1176 Concerning The Authorization Of Kit Motor Vehicles.

54

55

Approved June 1, 2006 at 4:53 p.m.

56

- 1 **HB06-1277** Concerning The Treatment Of Persons With A Mental
2 Illness, And Making An Appropriation In Connection
3 Therewith.
4
5 Approved June 1, 2006 at 4:52 p.m.
6
7
- 8 **HB06-1281** Concerning The Establishment Of A Program To
9 Demonstrate The Use Of Breakthrough Advanced Coal
10 Technology To Promote Low-Emitting Coal-Fueled
11 Electricity Generation.
12
13 Approved June 1, 2006 at 4:54 p.m.
14
15
- 16 **HB06-1304** Concerning Contributions To Volunteer Firefighter
17 Pension Funds, And Making An Appropriation Therefor.
18
19 Approved June 1, 2006 at 4:57 p.m.
20
21
- 22 **HB06-1312** Concerning Written Responses Issued By The Executive
23 Director Of The Department Of Revenue Upon The
24 Request Of Taxpayers, And Making An Appropriation
25 Therefor.
26
27 Approved June 1, 2006 at 4:55 p.m.
28
29
- 30 **HB06-1330** Concerning Information Filed With The Division Of
31 Insurance By Specified Types Of Insurers, And Making
32 An Appropriation In Connection Therewith.
33
34 Approved June 1, 2006 at 4:58 p.m.
35
36
- 37 **HB06-1386** Concerning Transfers Of Money To The Capital
38 Construction Fund.
39
40 Approved June 1, 2006 at 5:00 p.m.
41
42
- 43 **HB06-1387** Concerning Real Estate Foreclosures.
44
45 Approved June 1, 2006 at 5:01 p.m.
46
47
- 48 **HB06-1390** Concerning The Transportation Of Mobile Crane
49 Equipment As A Nondivisible Load.
50
51 Approved June 1, 2006 at 5:02 p.m.
52
53
- 54 **HB06-1391** Concerning The Revision Of Statutes In The Colorado
55 Revised Statutes, As Amended, And, In Connection
56 Therewith, Amending Or Repealing Obsolete,

1 Inconsistent, And Conflicting Provisions Of Law And
2 Clarifying The Language To Reflect The Legislative
3 Intent Of The Laws.

4
5 Approved June 1, 2006 at 5:03 p.m.

6
7 Sincerely,
8 (signed)
9 Bill Owens

10

11

12

13 June 2, 2006

14

15 To the Honorable
16 House of Representatives
17 Sixty-fifth General Assembly
18 Second Regular Session
19 Denver, CO 80203

20

21 Ladies and Gentlemen:

22

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

25

26 **HB06-1045** Concerning Public Reporting Of Hospital-Acquired
27 Infections, And Making An Appropriation Therefor.

28

29 Approved June 2, 2006 at 10:22 a.m.

30

31

32 **HB06-1161** Concerning The Regulation Of Mortgage Brokers, And,
33 In Connection Therewith, Making An Appropriation.

34

35 Approved June 2, 2006 at 11:30 a.m.

36

37

38 **HB06-1169** Concerning Protecting Personal Information In Domestic
39 Case Filings That Are Open To Inspection By The Public.

40

41 Approved June 2, 2006 at 11:31 a.m.

42

43

44 **HB06-1270** Concerning The Authority Of Public School Personnel To
45 Make Determinations Of Eligibility For Certain Public
46 Medical Benefits, And Making An Appropriation In
47 Connection Therewith.

48

49 Approved June 2, 2006 at 11:34 a.m.

50

51

52 **HB06-1278** Concerning The Public Reporting Of Hospital Statistics
53 By Means Of A Hospital Report Card, And Making An
54 Appropriation Therefor.

55

56 Approved June 2, 2006 at 10:24 a.m.

1 **HB06-1396** Concerning The Funding Of School-Based Health
2 Centers, And, In Connection Therewith, Making An
3 Appropriation.

4
5 Approved June 2, 2006 at 11:40 a.m.

6
7 **HB06-1398** Concerning Clarification Of The Manner In Which The
8 Transfer Of Net Revenue Of The State Sales And Use Tax
9 To Specified Funds As Currently Authorized By Law Is
10 To Be Administered.

11
12 Approved June 2, 2006 at 11:41 a.m.

13
14 Sincerely,
15 (signed)
16 Bill Owens

17
18
19
20 June 2, 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 filing with the Secretary of State House Bill 06-1317, "Concerning the
31 development of state energy planning information, and, in connection therewith,
32 making an appropriation". I vetoed this bill as of 1:31 p.m. today and this letter
33 sets forth my reasons for doing so.

34
35 H.B. 1317 would allocate \$316,000 in state money to the Energy and
36 Environmental Security Initiative at the University of Colorado School of Law.
37 The money would be used to create an annual Colorado Energy Profile
38 "containing up-to-date statistical energy information relating to Colorado,
39 together with projections of how that profile will change over time."

40
41 Much of this information, which I agree has value to the state, is already
42 available. For example, the Colorado Geological Survey within the Department
43 of Natural Resources currently prepares a detailed, annual mineral fuels report
44 that contains much of this information. In addition, the U.S. Energy
45 Information Agency (EIA), with an annual budget of \$85 million, produces
46 state-specific energy profiles. And the National Association of State Energy
47 Officials (NASEO), to which our Office of Energy Management and
48 Conservation belongs, is currently working with Congress and the EIA to
49 update this information.

50
51 I have directed our state Office of Energy Management and Conservation to use
52 its private, non-state funds for a competitive Request for Proposal (RFP) to
53 create a policy-neutral, centralized state website to provide this information.
54 This RFP process will ensure that Colorado taxpayers get the best public or
55 private contractor available at a competitive rate. Also, the contractor will be
56 required to complete this task in a time-efficient manner compatible with the

1 rapidly changing, global competitive environment, rather than creating a new,
2 slow-moving bureaucracy.

3
4 Accordingly, I have vetoed this bill.

5
6 Sincerely,
7 (signed)
8 Bill Owens

9
10
11 June 2, 2006

12
13 The Honorable Colorado House of Representatives
14 Sixty-Fifth General Assembly
15 Second Regular Session
16 State Capitol
17 Denver, Colorado 80203

18
19 Ladies and Gentlemen:

20
21 I am filing with the Secretary of State House Bill 06-1363, "Concerning grants
22 for programs designed to prevent juvenile delinquency, and making an
23 appropriation therefor." I vetoed this bill as of 1:32 p.m. today and this letter
24 sets forth my reasons for doing so.

25
26 House Bill 1363 creates a \$75 surcharge to be paid by each adult or juvenile
27 convicted of a felony or misdemeanor. A portion of this money would go
28 toward juvenile diversion programs, while 80 percent of the revenue would go
29 to programs earmarked for before- and after-school programs for
30 kindergarteners through eighth graders.

31
32 I support these types of programs but I cannot support a bill that taxes an
33 unpopular class of citizens to finance a narrow range of programs. The Rocky
34 Mountain News, in an April 24th editorial, pointed out, "It's obvious that HB
35 1363's supporters have singled out an unpopular class of individuals - convicted
36 criminals- and expect that the public will not object if the financial burden for
37 an essentially unrelated program rests solely on their shoulders."

38
39 Allowing this bill to become law creates a bad example and increases the
40 likelihood of other groups pursuing similar funding schemes. As The Rocky
41 Mountain News stated: "If HB 1363 becomes law, it would set a dangerous
42 precedent. Spending lobbies will look for other ways to sneak through new fees
43 paid by unpopular minorities... to finance pet projects."

44
45 It is important to note that even with this veto, grant funding to the Tony
46 Grampsas program will increase by \$4 million in FY 2006-07 to a total of \$7.5
47 million to support youth prevention programs.

48
49 While most before- and after- school programs are worthwhile, and in some
50 cases contain promising approaches to reducing delinquency, most are not
51 evidence-based programs designed to reduce youth crime. Furthermore, this bill
52 would prohibit funding from going to any programs designed to improve
53 academic performance or targeted to high-schoolers thereby excluding many
54 services geared for those most at-risk of becoming delinquent.

55

1 The \$75 surcharge would apply to all, non-indigent offenders, roughly 30,000
2 individuals per year, and would be in addition to the many other financial
3 obligations already required. Currently, there are at least 17 different fines,
4 surcharges and fees that courts can impose on offenders including probation
5 fees, restitution, victim-compensation, treatment costs, and offense-specific
6 penalties.

7
8 I do not believe that offenders should be singled out and required to pay an
9 additional, blanket surcharge that is not directly linked to the crime committed.
10 Furthermore, increasing the financial burden of offenders may add to the
11 number of people who are out-of-compliance with the court, increasing the
12 number of cases that cannot be closed and consuming the valuable resources of
13 the courts.

14
15 Accordingly, I have vetoed this bill.

16
17 Sincerely,
18 (signed)
19 Bill Owens

20
21 _____
22 June 2, 2006

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

29
30 Ladies and Gentlemen:

31
32 I am filing with the Secretary of State House Bill 06-1397, "Concerning the
33 creation of a statewide system for early childhood councils, and making an
34 appropriation therefor." I vetoed this bill as of 1:28 p.m. today and this letter
35 sets forth my reasons for doing so.

36
37 House Bill 1397 repeals the pilot status of the existing program for community
38 consolidated child care services and expands this program statewide by creating
39 a system of early childhood councils. While I appreciate the desire to improve
40 the quality of child care in Colorado, I believe the proposal needs further
41 refinement. Further, I do not believe this task requires the creation of a new
42 layer of state bureaucracy.

43
44 H.B. 1397 creates the Colorado Early Childhood Council Planning Team,
45 which arrogates for itself responsibility to oversee the activities of these
46 councils. The duties outlined in the bill rightfully belong to the Colorado
47 Department of Human Services.

48
49 The 17 child care councils currently in Colorado are funded with federal dollars.
50 Expanding this program requires the state to assume the additional financial
51 burden as all federal child care monies have been fully allocated in next year's
52 budget. Early versions of the bill indicated that between \$12 million and \$16
53 million would be needed for this expansion. Although the cost eventually was
54 pared down to \$2 million, it is clear that the financial appetite for this program
55 is substantial.

56

1 Also, this bill was introduced very late in the legislative session and did not
2 benefit from a full examination and discussion. A statewide expansion of this
3 size, as well as a new, ongoing commitment from the General Fund, requires
4 thoughtful analysis and study.
5

6 It is important to note that the School Finance Act, which I signed in April,
7 appropriates \$5 million General Fund to create 2,000 new preschool slots.
8 Considering this expansion of the state's preschool program, I believe that
9 appropriating additional state funding to other early childhood programs before
10 other programmatic cuts have been restored violates the spirit of Referendum
11 C.
12

13 Accordingly, I have vetoed this bill.
14

15 Sincerely,
16 (signed)
17 Bill Owens
18

19 _____
20

20 June 2, 2006
21

22 The Honorable Colorado House of Representatives
23 Sixty-Fifth General Assembly
24 Second Regular Session
25 State Capitol
26 Denver, Colorado 80203
27

28 Ladies and Gentlemen:
29

30 I am filing with the Secretary of State House Bill 06-1006, "Concerning referral
31 by an insurance company of an insured to a personal property repair business,
32 and making an appropriation in connection therewith." I vetoed this bill as of
33 1:40 p.m. today and this letter sets forth my reasons for doing so.
34

35 House Bill 06-1006 purports to protect consumers by prohibiting certain types
36 of business practices by property and casualty insurers. I am concerned that
37 prohibiting insurance companies from referring or recommending repair
38 vendors to their customers would harm consumers by denying them sound
39 information upon which to make educated decisions.
40

41 Some proponents of this legislation say it is not their intent to prohibit insurance
42 carriers from recommending repair businesses to their customers; however, a
43 simple one-sentence amendment that would have clarified intent was defeated.
44

45 Currently, insurance companies can provide consumers with a list of preferred
46 vendors. Consumers can then accept a recommendation or search for their own
47 vendors. The fact is that many individuals would prefer to have a
48 recommendation from their insurance company rather than have to look for
49 vendors on their own.
50

51 Insurance companies develop trusted relationships with the businesses on their
52 preferred vendor lists. They have identified businesses that deliver consistent
53 services and meet industry standards. Government intrusion in this process is
54 unreasonable. It seems that proponents of this legislation are trying to seek a
55 competitive advantage through legislative intervention rather than through
56 direct competition in the marketplace.

1 Certainly, there are many reputable and trustworthy businesses that are not on
2 preferred vendor lists and the current system allows these businesses to be
3 utilized by consumers. But those consumers who prefer to deal with businesses
4 recommended by their insurance carrier should continue to have that option as
5 well.

6
7 H.B. 1006 is unnecessary and potentially harmful. The current referral system
8 provides consumers with valuable information and helps keep rates down.

9
10 Accordingly, I have vetoed this bill.

11
12 Sincerely,
13 (signed)
14 Bill Owens

15
16
17 June 2, 2006

18
19 The Honorable Colorado House of Representatives
20 Sixty-Fifth General Assembly
21 Second Regular Session
22 State Capitol
23 Denver, CO 80203

24
25 Ladies and Gentlemen:

26
27 I am filing with the Secretary of State House Bill 1147, "Concerning Measures
28 To Promote Energy Efficiency". I vetoed this bill as of 1:40 p.m. today and this
29 sets forth my reasons for doing so.

30
31 H.B. 1147 would require utilities to engage in energy efficiency programs,
32 presumably cash rebates for energy efficient windows and appliances for homes
33 and businesses. The bill allows utilities to recover all costs incurred through the
34 implementation of such programs with a consumer rate increase. Additionally,
35 the bill establishes a bonus structure, rewarding utilities up to thirty percent of
36 total expenditures for the conservation measures implemented.

37
38 It is estimated that the expense of implementing such a program would cost all
39 residential customers at least \$6 annually and all businesses costumers over \$22
40 annually. Colorado customers have seen their heating costs triple over the past
41 three years. Consequently, I believe passing on these additional costs is
42 improper at this time.

43
44 Furthermore, there is no guarantee that needy Colorado consumers would
45 benefit from such programs. While more affluent customers may be able to
46 purchase energy efficient appliances or weatherization products, and therefore
47 be awarded a rebate, many underprivileged customers would be unable to
48 purchase these items but would still have to pay the increased utility costs. This
49 is simply not fair for those Coloradans who live paycheck to paycheck.

50
51 As Governor, I have strongly supported energy conservation throughout the
52 state and have encouraged all Coloradans to implement energy efficient
53 measures wherever appropriate. This has proven to be an effective strategy.
54 Many residences and businesses have been outfitted with weatherproof
55 windows, energy efficient furnaces and boilers, and energy saving appliances.
56 State weatherization programs have supported many of these improvements.

1 Citizens throughout the state are taking the necessary steps to implement
2 conservation improvements that are consistent with their own needs and
3 budgets. Creating a new program that serves only a fraction of our state's
4 citizens while subsidizing utilities and more affluent consumers at the expense
5 of all consumers is counterproductive and unnecessary.

6
7 Accordingly, I have vetoed this bill.

8
9 Sincerely,
10 (signed)
11 Bill Owens

12
13

14 June 2, 2006

15

16 The Honorable Colorado House of Representatives
17 Sixty-Fifth General Assembly
18 Second Regular Session
19 State Capitol
20 Denver, CO 80203

21

22 Ladies and Gentlemen:

23

24 I am filing with the Secretary of State House Bill 06-1251, "Concerning a
25 prohibition on price gouging." I have vetoed this bill as of 1:45 p.m. today and
26 this letter sets forth my reasons for doing so.

27

28 House Bill 1251 purports to prohibit price gouging during an emergency.
29 Retailers in a "designated area" would be prohibited from raising the price of
30 goods and services by more than 10%, based on the sellers' average price and
31 profit margin in the 30 days before an emergency.

32

33 House Bill 1251 violates the fundamental principles of our market-based
34 economy. Basic economics teaches us that in times of shortage or increased
35 demand, prices increase accordingly. Under this bill, even if a person were
36 willing to pay more than 10% above cost, perhaps for a hotel room or rental car
37 in limited supply during an emergency, such a transaction between willing
38 parties would be prohibited.

39

40 Further, in the event of a national emergency, it is unclear why Colorado
41 businesses, and ultimately Colorado consumers, should be put at a
42 disadvantage. The impetus for this proposal seems to be the cost of gasoline
43 but, of course, the bill can do nothing to address the root causes for the higher
44 prices. The bill cannot address the fact that domestic oil production should be
45 increased and new technologies explored. The cost of a barrel of oil is a global
46 issue, not a localized emergency.

47

48 The governor of Hawaii recognized this fact several weeks ago when she signed
49 a bill *repealing* Hawaii's law controlling the price of gasoline. Hawaii's failed
50 experience with attempting to limit the price of gasoline shows the futility of
51 trying to limit world prices at a state's borders.

52

53 The fact is that artificial price controls rarely work. When supplies of a certain
54 commodity are scarce, that commodity is more likely to flow to those areas
55 where retailers are allowed to charge the prevailing rate and not to those areas
56 where prices are artificially capped. As one newspaper editorial columnist

1 suggested, this is an attempt to repeal a law, a basic law of economics.
2 Repealing the law of supply and demand is something that is simply outside the
3 purview of the Colorado Legislature.
4
5 Finally, state law already provides established standards and appropriate
6 mechanisms for state government to respond to emergency situations. The
7 Colorado Disaster Emergency Act provides that the Governor may declare a
8 state of disaster emergency if there is an "imminent threat of widespread or
9 severe damage, injury, or loss of life or property..." This is an established and
10 reasoned legal standard in which the Governor may declare a disaster
11 emergency. In the event of a disaster, the Governor is authorized to take
12 extraordinary measures to meet that disaster. This includes the power to
13 suspend laws, commandeer property, and suspend or limit the sale of certain
14 products. This is the established and appropriate mechanism for the state to
15 address issues related to disaster emergencies and House Bill 1251 would only
16 confuse this clear body of law.

17
18 Accordingly, I have vetoed this bill.

19
20 Sincerely,
21 (signed)
22 Bill Owens

23
24
25 I certify I received the following on the 6th day of June, 2006, at
26 4:30 p.m. The original is on file in the records of the House of
27 Representatives of the General Assembly.

28
29
30 Marilyn Eddins,
31 Chief Clerk of the House

32
33 June 5, 2006

34 To the Honorable
35 House of Representatives
36 Sixty-fifth General Assembly
37 Second Regular Session
38 Denver, CO 80203

39 Ladies and Gentlemen:

40
41 I have the honor to inform you that I have approved and filed with
42 the Secretary of State the following Acts:

43
44 **HB06-1017** Concerning The Creation Of A Performance-Based
45 Incentive For Employers That Create High Quality New
46 Jobs In The State, And Making An Appropriation
47 Therefor.

48
49 Approved June 5, 2006 at 1:56 p.m.

50
51 **HB06-1201** Concerning The Proportion Of Limited Gaming Revenues
52 Designated For The Promotion Of Tourism In The State,
53 And Making An Appropriation Therefor.

54
55 Approved June 5, 2006 at 1:53 p.m.

56

1 **HB06-1360** Concerning The Advancement Of New Bioscience
2 Discoveries At Colorado Research Institutions Through
3 Evaluation, And Making An Appropriation.

4
5 Approved June 5, 2006 at 1:54 p.m.

6
7 **HB06-1362** Concerning The Creation Of Performance-Based
8 Incentives For The Motion Picture Industry To Work In
9 Colorado, And Making An Appropriation Therefor.

10
11 Approved June 5, 2006 at 1:55 p.m.

12
13 **HB06-1384** Concerning The Expenditure Of Moneys From The
14 Colorado Travel And Tourism Promotion Fund To
15 Benefit The Colorado State Fair, And Making An
16 Appropriation Therefor.

17
18 Approved June 5, 2006 at 1:50 p.m.

19
20 **HB06-1393** Concerning The Use Of Severance Tax Revenues By The
21 Department Of Agriculture For The Natural Resources
22 Conservation Matching Grants Program.

23
24 Approved June 5, 2006 at 1:00 p.m.

25
26 Sincerely,
27 (signed)

28 _____

29
30 June 6, 2006

31
32 To the Honorable
33 House of Representatives
34 Sixty-fifth General Assembly
35 Second Regular Session
36 Denver, CO 80203

37
38 Ladies and Gentlemen:

39
40 I have the honor to inform you that I have approved and filed with
41 the Secretary of State the following Acts:

42
43 **HB06-1003** Concerning Private Toll Roads And Toll Highways, And,
44 In Connection Therewith, Specifying Requirements That
45 Must Be Met Before A Corporation Can Construct A
46 Private Toll Road Or Toll Highway.

47
48 Approved June 6, 2006 at 9:47 a.m.

49
50 **HB06-1054** Concerning AIDS Prevention, And Making An
51 Appropriation Therefor.

52
53 Approved June 6, 2006 at 9:45 a.m.

54
55

- 1 **HB06-1072** Concerning The Issuance Of Special License Plates
2 Honoring Service In The Armed Forces Of The United
3 States, And, In Connection Therewith, Authorizing
4 Family Members Of A Person Who Has Died Serving In
5 The United States Armed Forces To Be Issued A Fallen
6 Service Member Special License Plate, And Making An
7 Appropriation In Connection Therewith.
8
9 Approved June 6, 2006 at 9:35 a.m.
- 10
11 **HB06-1145** Concerning The Development Of A Comprehensive
12 Response To The Methamphetamine Problem In
13 Colorado, And, In Connection Therewith, Creating A
14 State Methamphetamine Task Force To Examine The
15 Prevention, Intervention, And Treatment Of The Abuse
16 Of Methamphetamine And To Examine The Production
17 And Distribution Of Methamphetamine, Strengthening
18 The Laws Concerning Methamphetamine, And Making
19 An Appropriation.
20
21 Approved June 6, 2006 at 8:58 a.m.
- 22
23 **HB06-1157** Concerning The Security Of Communication And
24 Information Resources In Public Agencies, And Making
25 An Appropriation In Connection Therewith.
26
27 Approved June 6, 2006 at 9:01 a.m.
- 28
29 **HB06-1322** Concerning Support For The Development Of Clean
30 Energy Resources Using Proceeds Of The Operational
31 Account Of The Severance Tax Trust Fund, And Making
32 An Appropriation In Connection Therewith.
33
34 Approved June 6, 2006 at 9:26 a.m.
- 35
36 **HB06-1339** Concerning The Creation Of A Denver Broncos Special
37 License Plate, and Making An Appropriation Therefor.
38
39 Approved June 6, 2006 at 3:50 p.m.
- 40
41 **HB06-1343** Concerning Measures To Ensure That An Illegal Alien
42 Does Not Perform Work On A Public Contract For
43 Services, And Making An Appropriation In Connection
44 Therewith.
45
46 Approved June 6, 2006 at 8:57 a.m.
- 47
48 **HB06-1406** Concerning The Regulation Of Electronic Devices That
49 Are Designed To Cause Traffic Lights To Change.
50
51 Approved June 6, 2006 at 9:00 a.m.
52
53
54

1 **HB06-1410** Concerning Creation Of The Health Disparities Grant
2 Program Fund, And Making An Appropriation In
3 Connection Therewith.

4
5 Approved June 6, 2006 at 9:30 a.m.

6
7 **HB06-1411** Concerning The Circumstances Under Which Private
8 Property May Be Acquired By Public Entities Through
9 Exercise Of The Power Of Eminent Domain In
10 Furtherance Of A Public Use, And, In Connection
11 Therewith, Prohibiting Private Property From Being
12 Taken By The State Or Any Political Subdivision Unless
13 The Condemning Entity Establishes That The Taking Is
14 For A Public Use, Excluding Takings For Economic
15 Development Or Tax Revenue Enhancement From The
16 Meaning Of Public Use, And Requiring That A
17 Condemnation Action Satisfy A Higher Degree Of Proof
18 When The Taking Is For The Eradication Of Blight.

19
20 Approved June 6, 2006 at 9:32 a.m.

21
22 Sincerely,
23 (signed)
24 Bill Owens

25 _____
26
27 I certify I received the following on the 7th day of June, 2006, at
28 2:45 p.m. The original is on file in the records of the House of
29 Representatives of the General Assembly.

30
31 Marilyn Eddins,
32 Chief Clerk of the House
33

34 June 7, 2006

35
36 To the Honorable
37 House of Representatives
38 Sixty-fifth General Assembly
39 Second Regular Session
40 Denver, CO 80203

41
42 Ladies and Gentlemen:

43
44 I have the honor to inform you that I have approved and filed with
45 the Secretary of State the following Acts:

46
47 **HB06-1011** Concerning Child Exploitation Offenses, And Making An
48 Appropriation In Connection Therewith.

49
50 Approved June 7, 2006 at 10:20 a.m.

51
52 **HB06-1058** Concerning Creation Of A Surcharge To Be Paid By
53 Persons Convicted Of Certain Crimes Against Children,
54 And Making An Appropriation Therewith.

55
56 Approved June 7, 2006 at 9:30 a.m.

1 **HB06-1092** Concerning Increasing The Penalty For Sexual
 2 Exploitation Of A Child By Possession Of Sexually
 3 Exploitative Material, And Making An Appropriation
 4 Therefor.

5
 6 Approved June 7, 2006 at 9:32 a.m.

7
 8 **HB06-1149** Concerning Disclosure Of Additional Information To Be
 9 Submitted By Professional Lobbyists In Connection With
 10 Their Disclosure Statements Filed With The Secretary Of
 11 State Under The "Colorado Sunshine Act of 1972", And
 12 Making An Appropriation Therefor.

13
 14 Approved June 7, 2006 at 9:34 a.m.

15
 16 **HB06-1151** Concerning The Crime Of Felony Child Abuse, And
 17 Making An Appropriation Therefor.

18
 19 Approved June 7, 2006 at 9:33 a.m.

20
 21 Sincerely,
 22 (signed)
 23 Bill Owens

24
 25
 26
 27 **REPORTS TO THE COLORADO GENERAL ASSEMBLY**

28
 29 The following Reports have been received by the Chief Clerk of the
 30 House of Representatives. The reports are on file in the Library of
 31 Legislative Council.

32
 33 **Colorado Water Resources and Power Development Authority**
 34 Annual Report 2005 (pursuant to 37-95-116, CRS)

35
 36 **Department of Health Care Policy and Financing**
 37 Response to Footnotes:
 38 Footnotes 37a, 40a, 42a of HB06-1369--Concerning a supplemental
 39 appropriation to the Department of Health Care and Financing

40
 41 **Department of Revenue**
 42 Division of Racing Events (pursuant to 12-60-302(2), CRS)
 43 Pari-Mutual wagering January 1, 2005 through December 31, 2005
 44 Statement of gaming revenues gaming taxes, and expenditures
 45 (unaudited) for the nine (9) months ended March 31, 2006

46
 47 **Department of Public Safety**
 48 Progress report from Colorado Homeland Security in 2006

49
 50 **Department of Public Health and Environment**
 51 Response to Footnote:
 52 Footnote 123 - SB05-209 - FY 2005-2006 - Concerning the
 53 department's Nurse Home Visitor Program

54
 55

1 **Department of the Treasury**
2 Statement of Financial Condition as of March 31, 2006

3

4

5

6

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8

9 Attest:
10 MARILYN EDDINS,
11 Chief Clerk

Approved:
ANDREW ROMANOFF,
Speaker