

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

Fourteenth Legislative Day

Tuesday, January 24, 2006

1 Prayer by Pastor Curtis Miller, Worship Center, Brighton.

2

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

4

5 Pledge of Allegiance led by Representative T. Carroll.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives McCluskey, Welker--2.

11 Present after roll call--Representatives McCluskey, Welker.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Balmer, the reading of the journal of
 17 January 23, 2006, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.

19

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21

THIRD READING OF BILLS--FINAL PASSAGE

22

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

27

28 **HB06-1014** by Representative(s) Hoppe; also Senator(s) Isgar--
 29 Concerning the authority of the department of agriculture
 30 over the disposition of moneys received from other
 31 sources.

32

33 The question being "Shall the bill pass?".

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

37

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

43

1	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
2	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
3	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
4	Carroll M	Y	Hefley	Y	McCluskey	E	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	E
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 Crane, Curry, Gallegos, McFadyen,
14 Riesberg, Stafford, and White.

15
16 **HB06-1012** by Representative(s) Ragsdale; also Senator(s) Johnson--
17 Concerning absentee ballots.

18
19 The question being "Shall the bill pass?".

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

23	YES	63	NO	00	EXCUSED	02	ABSENT	00
24								
25	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
26	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
27	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
28	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
29	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
30	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
31	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
32	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
33	Carroll M	Y	Hefley	Y	McCluskey	E	Stengel	Y
34	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
35	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
36	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
37	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
38	Coleman	Y	Kerr	Y	Paccione	Y	Welker	E
39	Crane	Y	King	Y	Penry	Y	White	Y
40	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Coleman, and Vigil.

43
44 **HB06-1033** by Representative(s) Coleman, Vigil, White; also
45 Senator(s) Takis, Hanna, Taylor--Concerning the
46 modification of the manner in which the state controller
47 makes required allocations of two-thirds of the general
48 fund surplus for any state fiscal year commencing on or
49 after July 1, 2006, to the highway users tax fund and one-
50 third of such general fund surplus to the capital
51 construction fund to require the state controller to make
52 ninety percent of the estimated annual allocations on
53 September 20 of each year and the remaining amounts of
54 the allocations on the date the state controller issues the
55 comprehensive annual report of the state.
56

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
7	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
8	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
9	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
10	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
11	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
12	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
13	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
14	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
15	Carroll M	Y	Hefley	Y	McCluskey	E	Stengel	Y
16	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
17	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
18	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
19	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
20	Coleman	Y	Kerr	Y	Paccione	Y	Welker	E
21	Crane	Y	King	Y	Penry	Y	White	Y
22	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Harvey, Paccione, Plant, Pommer, and
 25 Ragsdale.

26
 27 **HB06-1016** by Representative(s) Lindstrom, Larson--Concerning the
 28 issuance of a temporary registration for commercial
 29 movers of household goods.

30
 31 Laid over until January 25, 2006, retaining place on Calendar.

32
 33 **HB06-1039** by Representative(s) McFadyen, Larson, Pommer,
 34 Ragsdale; also Senator(s) Hagedorn, May R.--Concerning
 35 the placement of on-premise advertising devices at
 36 comprehensive developments.

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
44	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
45	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
47	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
48	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
49	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
50	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
51	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
52	Carroll M	Y	Hefley	Y	McCluskey	E	Stengel	Y
53	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
54	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
55	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
56	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y

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

5 Co-sponsors added: Representatives Borodkin, Butcher, Coleman.

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10 **REPORTS OF COMMITTEES OF REFERENCE**

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12 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

13 After consideration on the merits, the Committee recommends the
14 following:

15
16 **HB06-1031** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19
20 Amend printed bill, page 2, line 5, strike "ONE HUNDRED" and substitute
21 "UP TO ONE HUNDRED".

22
23
24
25 **HB06-1032** be referred to the Committee of the Whole with favorable
26 recommendation.

27
28
29 **HB06-1049** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:

32
33 Amend printed bill, page 2, strike lines 14 through 19 and substitute the
34 following:

35
36 "recreational purposes OR FOR WHICH THE LANDOWNER HAS ACQUIESCED
37 TO PUBLIC USE OF EXISTING TRAILS THAT HAVE HISTORICALLY BEEN USED
38 BY THE PUBLIC FOR RECREATIONAL PURPOSES. "Land", as used in this
39 subsection (2), does not include real property, buildings, or portions
40 thereof which are not the subject of a lease, easement, or other right of
41 use granted to a public entity; EXCEPT THAT, LAND ON WHICH A
42 LANDOWNER HAS ACQUIESCED TO PUBLIC USE OF EXISTING TRAILS THAT
43 HAVE HISTORICALLY BEEN USED BY THE PUBLIC FOR RECREATIONAL
44 PURPOSES NEED NOT BE SUBJECT TO A LEASE, EASEMENT, OR OTHER RIGHT
45 OF USE GRANTED TO A PUBLIC ENTITY. NOTHING IN THIS SUBPARAGRAPH
46 (II) SHALL BE CONSTRUED TO CREATE A PRESCRIPTIVE EASEMENT ON
47 LANDS ON WHICH A LANDOWNER HAS ACQUIESCED TO PUBLIC USE OF
48 EXISTING TRAILS THAT HAVE HISTORICALLY BEEN USED BY THE PUBLIC FOR
49 RECREATIONAL PURPOSES. THE INCIDENTAL USE OF SUCH PRIVATE
50 PROPERTY FOR RECREATIONAL PURPOSES SHALL NOT ESTABLISH OR
51 PRESUME FACTS TO SUPPORT LAND USE CLASSIFICATION OR ZONING."

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1 **BUSINESS AFFAIRS & LABOR**
2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB06-1038** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 3, strike lines 23 and 24 and substitute the
10 following:

11
12 "DETERMINED BY THE COMMISSION;

13
14 (II) CREATES ONE OR MORE NEW JOBS AND MAINTAINS THE JOBS
15 FOR AT LEAST ONE YEAR;";

16
17 line 25, strike "(II)" and substitute "(III)";

18
19 line 27, strike "FIFTY" and substitute "TEN".

20
21 Page 4, strike lines 1 through 4 and substitute the following:

22
23 "MONTHLY PREMIUM, CONSISTENT WITH THE REQUIREMENTS OF THE
24 HEALTH INSURANCE BENEFIT PLAN WITH WHICH THE EMPLOYER HAS
25 CONTRACTED TO PROVIDE HEALTH BENEFITS TO EMPLOYEES; AND";

26
27 line 5, strike "(III)" and substitute "(IV)".

28
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31 **HB06-1042** be referred to the Committee of the Whole with favorable
32 recommendation.

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36 **PRINTING REPORT**

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38 The Chief Clerk reports the following bills have been correctly printed:
39 **HB06-1186, 1187, 1188, 1189, 1190.**

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42 House in recess. House reconvened.
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46 **MESSAGE FROM THE SENATE**

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48 The Senate has adopted and transmits herewith: SJR06-002, amended as
49 printed in Senate Journal, January 20, 2006.

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**INTRODUCTION OF BILL
First Reading**

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

HB06-1191 by Representative(s) Kerr, Schultheis, Balmer, Berens, Crane, Gallegos, Knoedler, Liston, Massey, Stafford, White, Witwer; also Senator(s) Keller--Concerning a mandatory recount in an election in which more than one candidate is to be elected.
Committee on State, Veterans, & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and laid over one day under the rules:

HJR06-1007 by Representative(s) Green, Madden, Boyd, Buescher, Larson, Lindstrom, McGihon, McKinley, Plant, Todd, Witwer; also Senator(s) Keller--Concerning the funding of the national renewable energy laboratory for the purpose of continuation of research therein, and, in connection therewith, encouraging such funding to continue on an annual basis.

The following resolution was read by title and referred to the committee indicated:

SJR06-002 by Senator(s) Isgar; also Representative(s) Curry-- Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.
Committee on Agriculture, Livestock, & Natural Resources

LAY OVER OF CALENDAR ITEMS

On motion of Representative Crane, the following items on the Calendar were laid over until January 25, retaining place on Calendar:

Consideration of General Orders--**HB06-1002, 1005, 1021, 1077.**
Consideration of Resolutions--**HJR06-1005, 1006.**

On motion of Representative Crane, the House adjourned until 9:00 a.m., January 25, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk