

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

Forty-eighth Legislative Day

Monday, February 27, 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 Sergeant 1st Class Joseph Ramos,  
 6 Westminster.  
 7  
 8 The roll was called with the following result:  
 9  
 10 Present--63.  
 11 Excused--Representatives Hefley, White--2.

12  
 13 The Speaker declared a quorum present.  
 14  
 15

16 On motion of Representative Gallegos, the reading of the journal of  
 17 February 24, 2006, was declared dispensed with and approved as  
 18 corrected by the Chief Clerk.  
 19  
 20

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

21  
 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 **HB06-1255** by Representative(s) Judd; also Senator(s) Shaffer--  
 29 Concerning compliance with the federal "Social Security  
 30 Act" with respect to juveniles.

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

	YES	48	NO	15	EXCUSED	02	ABSENT	00
38	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
39	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
40	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
41	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
42	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
43	Buescher	Y	Green	Y	Marshall	Y	Solano	Y

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

12 Co-sponsors added: Representatives Carroll M, Coleman.

13  
 14 **HB06-1309** by Representative(s) McGihon, Madden, Plant, Romanoff;  
 15 also Senator(s) Grossman, Fitz-Gerald, Groff--Concerning  
 16 increased authority to protect air quality.

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

22	YES	35	NO	27	EXCUSED	03	ABSENT	00
24	Balmer	N	Decker	N	Larson	Y	Pommer	Y
25	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	N
26	Berens	N	Gallegos	N	Liston	N	Riesberg	Y
27	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
28	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
29	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
30	Butcher	Y	Hall	N	Massey	Y	Soper	Y
31	Cadman	N	Harvey	N	May	N	Stafford	N
32	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	N
33	Carroll T	Y	Hodge	Y	McFadyen	E	Sullivan	N
34	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
35	Clapp	N	Jahn	Y	McKinley	N	Vigil	Y
36	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
37	Coleman	Y	Kerr	N	Paccione	Y	Welker	N
38	Crane	N	King	N	Penry	N	White	E
39	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
40							Speaker	Y

41 Representative McFadyen excused from voting under House Rule 21(c).  
 42 Co-sponsors added: Representatives Benefield, Borodkin, Boyd, Carroll M,  
 43 Cerbo, Coleman, Frangas, Green, Marshall, Merrifield, Pommer, Todd,  
 44 Weissmann.

45  
 46 **HB06-1318** by Representative(s) Cloer; also Senator(s) Mitchell--  
 47 Concerning clinical practice hours required in order to  
 48 receive a marriage and family therapist license.

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

54  
 55

	YES	51	NO	12	EXCUSED	02	ABSENT	00
1								
2	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
3	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
4	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
5	Borodkin	Y	Garcia	N	Lundberg	Y	Rose	Y
6	Boyd	Y	Gardner	N	Madden	N	Schultheis	Y
7	Buescher	Y	Green	Y	Marshall	N	Solano	Y
8	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
9	Cadman	N	Harvey	Y	May	Y	Stafford	N
10	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
11	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
12	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
13	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
14	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	N
15	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
16	Crane	N	King	N	Penry	Y	White	E
17	Curry	Y	Knoedler	Y	Plant	Y	Witwer	N
18							Speaker	Y

19 Co-sponsors added: Representatives Berens, Coleman, Frangas, Kerr, McGihon,  
20 Todd.

21  
22 **HB06-1267** by Representative(s) Riesberg; also Senator(s) Mitchell--  
23 Concerning child support.

24  
25 The question being "Shall the bill pass?".

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

	YES	61	NO	02	EXCUSED	02	ABSENT	00
31	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
32	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
33	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
34	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
35	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
36	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
37	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
38	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
39	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
40	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
41	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
42	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
43	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
44	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
45	Crane	Y	King	N	Penry	Y	White	E
46	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
47							Speaker	Y

48 Co-sponsors added: Representatives Boyd, Stafford, Todd, Vigil.

49  
50 **HB06-1075** by Representative(s) Todd; also Senator(s) Williams--  
51 Concerning the sale of surplus state property.

52  
53 The question being "Shall the bill pass?".

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

	YES	60	NO	03	EXCUSED	02	ABSENT	00
1								
2	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
3	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
4	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
5	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	N
6	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
7	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
8	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
9	Cadman	Y	Harvey	Y	May	N	Stafford	Y
10	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	N
11	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
12	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
13	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
14	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
15	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
16	Crane	Y	King	Y	Penry	Y	White	E
17	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Benefield, Borodkin, Frangas, Gallegos.

20  
 21 **HB06-1071** by Representative(s) Massey; also Senator(s) Kester--  
 22 Concerning juvenile court proceedings, and, in connection  
 23 therewith, clarifying the role and rights of county  
 24 departments of human services.

25  
 26 The question being "Shall the bill pass?".

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

	YES	59	NO	04	EXCUSED	02	ABSENT	00
31								
32	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
33	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
34	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
35	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
36	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
37	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
38	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
39	Cadman	N	Harvey	Y	May	Y	Stafford	N
40	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
41	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
42	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
43	Clapp	N	Jahn	N	McKinley	Y	Vigil	Y
44	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
45	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
46	Crane	Y	King	Y	Penry	Y	White	E
47	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
48							Speaker	Y

49 Co-sponsors added: Representatives McFadyen, McGihon, Pommer, Todd.

50  
 51 **SB06-003** by Senator(s) Kester, Entz, Fitz-Gerald, Isgar, Shaffer;  
 52 also Representative(s) Rose, Gallegos, Gardner, Hodge--  
 53 Concerning the use of biofuels in state buildings.

54  
 55  
 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	E	McCluskey	Y	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	Y
21	Crane	Y	King	Y	Penry	Y	White	E
22	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Buescher, Cerbo,  
 25 Coleman, Curry, Frangas, Garcia, Green, Hall, Harvey, Hoppe, Kerr, King,  
 26 Liston, Lundberg, Madden, Marshall, Paccione, Plant, Riesberg, Solano,  
 27 Stafford, Stengel, Sullivan, Todd, Witwer, Speaker.

28  
 29 **SB06-016** by Senator(s) Entz, Fitz-Gerald, Kester, Shaffer; also  
 30 Representative(s) Rose, Gallegos, Gardner, Hodge--  
 31 Concerning the use of biodiesel fuel for all state-owned  
 32 diesel vehicles.

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

	YES	57	NO	06	EXCUSED	02	ABSENT	00
40	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
41	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
42	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
43	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
44	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
45	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
46	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
47	Cadman	N	Harvey	N	May	Y	Stafford	Y
48	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
49	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
50	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
51	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
52	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
53	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
54	Crane	Y	King	Y	Penry	Y	White	E
55	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
56							Speaker	Y

1 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Butcher,  
2 Carroll M, Cerbo, Coleman, Frangas, Garcia, Green, Hall, Jahn, Kerr, Madden,  
3 McCluskey, McFadyen, Merrifield, Paccione, Plant, Riesberg, Solano, Stafford,  
4 Stengel, Sullivan, Todd, Witwer.

5  
6 **HB06-1321** by Representative(s) Jahn, Marshall; also Senator(s)  
7 Sandoval--Concerning a shortened period for completion  
8 of sunrise review reports by the department of regulatory  
9 agencies.

10

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

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

15

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

34 Co-sponsors added: Representatives Coleman, Hoppe, Massey, Rose,  
35 Schultheis.

36

37 **SB06-084** by Senator(s) Entz; also Representative(s) Curry--  
38 Concerning the hiring of a guide who does not possess a  
39 first aid card in the event of an emergency situation.

40

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

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

45

	YES	60	NO	03	EXCUSED	02	ABSENT	00
47	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
48	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
49	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
50	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
51	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
52	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
53	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
54	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
55	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
56	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y

1	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
2	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
3	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
4	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
5	Crane	Y	King	Y	Penry	Y	White	E
6	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
7							Speaker	Y

8 Co-sponsors added: Representatives Gallegos, Gardner, Hoppe, McFadyen.

9  
10 **HB06-1256** by Representative(s) Buescher, Plant, Hall; also Senator(s)  
11 Keller, Tapia, Owen--Concerning modifications to certain  
12 provisions of total compensation for employees in the state  
13 personnel system.

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	59	NO	04	EXCUSED	02	ABSENT	00
21	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
22	Benefield	Y	Frangas	N	Lindstrom	Y	Ragsdale	Y
23	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
24	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	N
25	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
26	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
27	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
28	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
29	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
30	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
31	Cerbo	Y	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	N	Paccione	Y	Welker	Y
35	Crane	Y	King	Y	Penry	Y	White	E
36	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
37							Speaker	Y

38  
39 **HB06-1340** by Representative(s) Benefield, Marshall, Borodkin; also  
40 Senator(s) Taylor--Concerning an exemption for federally  
41 regulated mining operations from the Colorado  
42 "Explosives Act".

43  
44 The question being "Shall the bill pass?".

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

48	YES	48	NO	15	EXCUSED	02	ABSENT	00
50	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
51	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
52	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
53	Borodkin	Y	Garcia	N	Lundberg	N	Rose	N
54	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
55	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
56	Butcher	Y	Hall	Y	Massey	Y	Soper	Y

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

11 Co-sponsors added: Representatives Cloer, McGihon, Todd.

12  
13 **HB06-1207** by Representative(s) Coleman, Boyd, Stafford; also  
14 Senator(s) Sandoval--Concerning the definition of a  
15 salaried foster parent, and, in connection therewith,  
16 allowing a salaried foster parent to be an employee of a  
17 child placement agency.

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	62	NO	01	EXCUSED	02	ABSENT	00
24	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
25	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
26	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
27	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
28	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
29	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
30	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
31	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
32	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
33	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
34	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
35	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
36	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
37	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
38	Crane	Y	King	Y	Penry	Y	White	E
39	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
40							Speaker	Y

41  
42 Co-sponsors added: Representatives McFadyen, Todd.

43  
44 **HB06-1243** by Representative(s) Sullivan; also Senator(s) Hanna--  
45 Concerning the practice of chiropractic, and, in connection  
46 therewith, requiring liability insurance to cover all acts  
47 within the scope of chiropractic practice and allowing the  
48 state board of chiropractic examiners to impose a fine on  
49 a licensee in lieu of suspending a license.

50  
51 The question being "Shall the bill pass?".

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

55



	YES	50	NO	13	EXCUSED	02	ABSENT	00
1								
2	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
3	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
4	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
5	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
6	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
7	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
8	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
9	Cadman	N	Harvey	N	May	Y	Stafford	Y
10	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
11	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
12	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
13	Clapp	Y	Jahn	Y	McKinley	N	Vigil	Y
14	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
15	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
16	Crane	N	King	N	Penry	N	White	E
17	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Kerr, Liston, Todd.

20  
 21 **HB06-1328** by Representative(s) Boyd; also Senator(s) Hagedorn--  
 22 Concerning a requirement that the joint budget committee  
 23 and the health and human services committees of the  
 24 general assembly meet jointly to review the use of tobacco  
 25 litigation settlement moneys on or before a specified date.

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**.

	YES	43	NO	20	EXCUSED	02	ABSENT	00
33	Balmer	N	Decker	N	Larson	Y	Pommer	Y
34	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
35	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
36	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
37	Boyd	Y	Gardner	N	Madden	Y	Schultheis	Y
38	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
39	Butcher	Y	Hall	N	Massey	Y	Soper	Y
40	Cadman	N	Harvey	N	May	N	Stafford	Y
41	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	N
42	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	N
43	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
44	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
45	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
46	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
47	Crane	N	King	N	Penry	N	White	E
48	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
49							Speaker	Y

50 Co-sponsors added: Representatives Borodkin, Carroll M, Coleman, Frangas,  
 51 Gallegos, Hodge, Madden, Marshall, McGihon, Merrifield, Todd.

52  
 53 **HB06-1341** by Representative(s) McFadyen; also Senator(s) Takis--  
 54 Concerning the unlawful use of commercial driver's  
 55 licenses.

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	E	McCluskey	Y	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	Y
21	Crane	Y	King	Y	Penry	Y	White	E
22	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Berens, Kerr, Knoedler, Rose, Todd.

25  
 26  
 27  
 28 On motion of Representative Marshall, the House resolved itself into  
 29 Committee of the Whole for consideration of General Orders, and she  
 30 was called to the Chair to act as Chairman.

### 31 32 33 **GENERAL ORDERS--SECOND READING OF BILLS**

34  
 35 The Committee of the Whole having risen, the Chairman reported the  
 36 titles of the following bills had been read (reading at length had been  
 37 dispensed with by unanimous consent), the bills considered and action  
 38 taken thereon as follows:

39  
 40 (Amendments to the committee amendment are to the printed committee  
 41 report which was printed and placed in the members' bill file.)

42  
 43 **HB06-1127** by Representative(s) Riesberg, Todd; also Senator(s)  
 44 Williams--Concerning the regulation of athletic trainers.

45  
 46 Amendment No. 1, Health and Human Services Report, dated January 30,  
 47 2006, and placed in member's bill file; Report also printed in House  
 48 Journal, February 1, pages 162-163.

49  
 50 Amendment No. 2, Finance Report, dated February 2, 2006, and placed  
 51 in member's bill file; Report also printed in House Journal, February 3,  
 52 pages 202-203.

53  
 54 Amendment No. 3, Appropriations Report, dated February 17, 2006, and  
 55 placed in member's bill file; Report also printed in House Journal,  
 56 February 17, page 395.

1 Amendment No. 4, by Representative Riesberg.  
2  
3 Amend printed bill, page 2, line 2, strike "Article 36 of title" and  
4 substitute "Title";  
5  
6 line 3, strike "PART" and substitute "ARTICLE";  
7  
8 line 4, strike "PART 3" and substitute "**ARTICLE 29.7**";  
9  
10 strike line 5 and substitute "**Athletic Trainer Practice Act**";  
11  
12 line 6, "**12-36-301.**" and substitute "**12-29.7-101.**", and strike "PART 3"  
13 and substitute "ARTICLE";  
14  
15 line 8, strike "**12-36-302.**" and substitute "**12-29.7-102.**".  
16  
17 Page 3, line 1, after "UNDER", insert "ANY";  
18  
19 line 2, strike "35 OR 38";  
20  
21 line 5, strike "**12-36-303.**" and substitute "**12-29.7-103.**";  
22  
23 line 10, strike "BOARD" and substitute "DIRECTOR";  
24  
25 line 11, strike "12-36-307 (1) (b)." and substitute "12-29.7-107 (1) (b).";  
26  
27 line 13, strike "12-36-318." and substitute "12-29.7-112.";  
28  
29 line 17, strike "PART 3" and substitute "ARTICLE";  
30  
31 line 18, strike "12-36-307." and substitute "12-29.7-107".  
32  
33 Page 5, strike lines 23 and 24.  
34  
35 Renumber succeeding subsections accordingly.  
36  
37 Page 6, after line 4, insert the following:  
38  
39       (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
40 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.  
41  
42       (7) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE  
43 DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION 24-34-102,  
44 C.R.S.  
45  
46       (8) "LICENSEE" MEANS AN ATHLETIC TRAINER LICENSED PURSUANT  
47 TO THIS ARTICLE."  
48  
49 Renumber succeeding subsection accordingly.  
50  
51 Page 6, line 8, strike "BOARD" and substitute "DIRECTOR";  
52  
53 line 9, strike "**12-36-304.**" and substitute "**12-29.7-104.**";  
54  
55 line 18, strike "**12-36-305.**" and substitute "**12-29.7-105.**", and strike  
56 "PART 3" and substitute "ARTICLE";

- 1 line 20, strike "SURGERY," and substitute "AS DEFINED IN ARTICLE 36 OF  
2 THIS TITLE,";  
3  
4 line 21, strike "PART 3." and substitute "ARTICLE.";  
5  
6 line 22, strike "**12-36-306.**" and substitute "**12-29.7-106.**";  
7  
8 line 23, strike "PART 3," and substitute "ARTICLE,";  
9  
10 line 26, strike "BOARD" and substitute "DIRECTOR", and strike "PART 3"  
11 and substitute "ARTICLE";  
12  
13 line 27, strike "PART 3." and substitute "ARTICLE."  
14  
15 Page 7, line 1, strike "**12-36-307.**" and substitute "**12-29.7-107.**", and  
16 strike "**licensure.**" and substitute "**licensure - reciprocity - renewal -**  
17 **fee.**";  
18  
19 line 17, strike "BOARD" and substitute "DIRECTOR";  
20  
21 line 20, strike "BOARD" and substitute "DIRECTOR";  
22  
23 line 23, strike "BOARD;" and substitute "DIRECTOR;";  
24  
25 line 24, strike "BOARD." and substitute "DIRECTOR.";  
26  
27 line 26, strike "BOARD" and substitute "DIRECTOR";  
28  
29 line 27, strike "BOARD" and substitute "DIRECTOR".  
30  
31 Page 8, line 2, strike "12-36-310." and substitute "12-29.7-109.";  
32  
33 after line 2, insert the following:  
34  
35       "(3) THE DIRECTOR SHALL ISSUE A LICENSE TO PRACTICE ATHLETIC  
36 TRAINING TO AN APPLICANT WHO OTHERWISE MEETS THE QUALIFICATIONS  
37 OF THIS ARTICLE AND WHO SUBMITS SATISFACTORY PROOF AND CERTIFIES  
38 UNDER PENALTY OF PERJURY THAT THE APPLICANT CURRENTLY POSSESSES  
39 AN UNRESTRICTED LICENSE IN GOOD STANDING TO PRACTICE ATHLETIC  
40 TRAINING UNDER THE LAWS OF ANOTHER STATE OR TERRITORY OF THE  
41 UNITED STATES OR FOREIGN COUNTRY IF:  
42  
43       (a) THE DIRECTOR DETERMINES THAT THE QUALIFICATIONS FOR  
44 LICENSURE IN THE OTHER STATE, TERRITORY, OR FOREIGN COUNTRY ARE  
45 SUBSTANTIALLY EQUIVALENT TO THE LICENSURE REQUIREMENTS IN THIS  
46 ARTICLE; AND  
47  
48       (b) THE APPLICANT HAS NOT BEEN SUBJECT TO A DISCIPLINARY  
49 ACTION WITH REGARD TO THE APPLICANT'S ATHLETIC TRAINING LICENSE  
50 ISSUED BY THE OTHER STATE, TERRITORY, OR FOREIGN COUNTRY."  
51  
52 Renumber succeeding subsection accordingly.  
53  
54 Page 8, line 4, strike "BOARD" and substitute "DIRECTOR";  
55  
56 line 6, strike "BOARD" and substitute "DIRECTOR";

1 strike lines 12 through 27 and substitute the following:

2

3           "(5) (a) AT LEAST SIXTY CALENDAR DAYS PRIOR TO THE  
4 EXPIRATION OF A LICENSE, THE DIRECTOR SHALL NOTIFY THE LICENSEE OF  
5 THE PENDING EXPIRATION. THE DIRECTOR SHALL MAKE AN EXPIRATION  
6 NOTICE AND A RENEWAL FORM AVAILABLE TO THE LICENSEE. BEFORE THE  
7 EXPIRATION DATE, THE LICENSEE SHALL COMPLETE THE RENEWAL FORM  
8 AND RETURN IT TO THE DIVISION WITH THE RENEWAL FEE.

9

10           (b) UPON RECEIPT OF THE COMPLETED RENEWAL FORM AND THE  
11 RENEWAL FEE, THE DIRECTOR SHALL ISSUE A LICENSE FOR THE CURRENT  
12 RENEWAL PERIOD PURSUANT TO A SCHEDULE ESTABLISHED BY THE  
13 DIRECTOR, AND SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED  
14 PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY  
15 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT  
16 PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW  
17 HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE  
18 DIRECTOR, THE LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS  
19 EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE  
20 OR SECTION 24-34-102 (8), C.R.S.

21

22           (6) ALL FEES COLLECTED UNDER THIS ARTICLE SHALL BE  
23 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS  
24 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED  
25 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S."

26

27 Page 9, strike lines 1 and 2;

28

29 line 3, strike "**12-36-309.**" and substitute "**12-29.7-108.**", and strike  
30 "**part**" and substitute "**article**";

31

32 line 4, strike "PART 3" and substitute "ARTICLE";

33

34 line 5, after "TRAINING", insert "THAT IS AN INTEGRAL PART OF A PROGRAM  
35 OF STUDY";

36

37 line 6, strike "PROGRAM WHO ARE" and substitute "PROGRAM. STUDENTS  
38 ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM  
39 SHALL BE IDENTIFIED AS "STUDENT ATHLETIC TRAINERS" AND SHALL ONLY  
40 PRACTICE ATHLETIC TRAINING";

41

42 line 7, strike "ACTING";

43

44 line 8, strike "PART 3." and substitute "ARTICLE.";

45

46 line 10, strike "PART 3." and substitute "ARTICLE.";

47

48 line 20, strike "MEMBERS" and substitute "AN ATHLETE WHO IS A  
49 MEMBER";

50

51 line 22, strike "MEMBERS" and substitute "AN ATHLETE WHO IS A  
52 MEMBER";

53

54 line 24, strike "BOARD" and substitute "DIRECTOR".

55

56 Page 10, line 4, strike "BOARD" and substitute "DIRECTOR";

- 1 line 7, strike "BOARD" and substitute "DIRECTOR";  
2  
3 line 8, strike "12-36-307," and substitute "12-29.7-107,";  
4  
5 line 9, strike "PART 3" and substitute "ARTICLE";  
6  
7 line 10, strike "BOARD;" and substitute "DIRECTOR;"  
8  
9 after line 17, insert the following:  
10  
11 "(f) ATHLETIC TRAINING BY A PATIENT FOR HIMSELF OR HERSELF  
12 OR GRATUITOUS ATHLETIC TRAINING BY A FRIEND OR FAMILY MEMBER  
13 WHO DOES NOT REPRESENT HIMSELF OR HERSELF TO BE AN ATHLETIC  
14 TRAINER.";  
15  
16 line 18, strike "PART 3" and substitute "ARTICLE";  
17  
18 line 23, strike "PART 3" and substitute "ARTICLE";  
19  
20 strike lines 26 and 27 and substitute the following:  
21  
22 **"12-29.7-109. Grounds for discipline - disciplinary**  
23 **proceedings.** (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION  
24 AGAINST A LICENSEE IF THE DIRECTOR FINDS THAT THE LICENSEE HAS  
25 REPRESENTED HIMSELF OR HERSELF AS A LICENSED ATHLETIC TRAINER  
26 AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS OR HER  
27 LICENSE.  
28  
29 (2) THE DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO  
30 RENEW A LICENSE, PLACE A LICENSEE ON PROBATION, OR ISSUE A CEASE  
31 AND DESIST ORDER OR LETTER OF ADMONITION TO A LICENSEE IN  
32 ACCORDANCE WITH SUBSECTIONS (3), (4), (5), (6) AND (7) OF THIS SECTION  
33 UPON PROOF THAT THE LICENSEE:".  
34  
35 Page 11, strike line 1;  
36  
37 line 2, strike "COMMITTS" and substitute "HAS COMMITTED";  
38  
39 line 3, strike "FAILS" and substitute "HAS FAILED";  
40  
41 line 6, strike "ENGAGES" and substitute "HAS ENGAGED";  
42  
43 line 7, strike "EXISTS, UNLESS THE" and substitute "EXISTED. FOR THE";  
44  
45 strike line 8;  
46  
47 line 22, strike "FAILS" and substitute "HAS FAILED";  
48  
49 line 26, strike "FAILS" and substitute "HAS FAILED";  
50  
51 line 27, strike "STUDENTS" and substitute "STUDENT ATHLETIC TRAINERS".  
52  
53 Page 12, line 1, strike "FAILS" and substitute "HAS FAILED", and strike  
54 "FALSIFIES OR MAKES" and substitute "HAS FALSIFIED OR MADE";  
55  
56 strike lines 3 through 9.

- 1 Reletter succeeding paragraphs accordingly.  
2  
3 Page 12, line 10, strike "FALSIFIES" and substitute "HAS FALSIFIED", and  
4 strike "ATTEMPTS" and substitute "HAS ATTEMPTED";  
5  
6 line 11, strike "OBTAINS" and substitute "HAS OBTAINED";  
7  
8 line 16, strike "BOARD" and substitute "DIRECTOR";  
9  
10 line 19, strike "BOARD" and substitute "DIRECTOR";  
11  
12 strike lines 24 and 25 and substitute the following:  
13  
14       "(j) HAS FAILED OR REFUSED TO COMPLY WITH A CONDITION OF  
15 LICENSE REINSTATEMENT IMPOSED BY THE DIRECTOR PURSUANT TO  
16 SUBSECTION (7) OF THIS SECTION;";  
17  
18 line 26, strike "FAILS" and substitute "HAS FAILED".  
19  
20 Page 13, strike lines 8 through 10 and substitute the following:  
21  
22       "(l) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR  
23 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE  
24 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE  
25 DIRECTOR;";  
26  
27 line 14, strike "A FELONY";  
28  
29 line 15, strike "HAS COMMITTED ANY ACT SPECIFIED IN" and substitute  
30 "ANY CRIME DEFINED IN TITLE 18, C.R.S., THAT RELATES TO THE  
31 LICENSEE'S EMPLOYMENT AS AN ATHLETIC TRAINER.";  
32  
33 line 16, strike "SECTION 12-36-314.";  
34  
35 line 18, strike "CONCLUSIVE" and substitute "PRIMA FACIE";  
36  
37 line 19, strike "BOARD" and substitute "DIRECTOR";  
38  
39 strike lines 21 through 27.  
40  
41 Strike page 14.  
42  
43 Page 15, strike lines 1 through 21 and substitute the following:  
44  
45       "(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
46 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE  
47 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER  
48 SUCH ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF  
49 DISCIPLINARY SANCTIONS TO BE IMPOSED.  
50  
51       (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO  
52 DISCIPLINE";  
53  
54 line 22, strike "BOARD" and substitute "DIRECTOR";  
55  
56 line 23, strike "SECTION" and substitute "THIS SECTION.";

1 strike lines 24 and 25;

2

3 line 26, strike "(2)", and substitute "(b), and strike "BOARD" and substitute  
4 "DIRECTOR".

5

6 Page 16, line 4, strike "PART 3." and substitute "ARTICLE.";

7

8 strike lines 5 through 15 and substitute the following:

9

10 "(5) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED PURSUANT  
11 TO ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND OPPORTUNITY  
12 FOR REVIEW SHALL BE CONDUCTED PURSUANT TO SUCH ARTICLE BY THE  
13 DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE DIRECTOR'S  
14 DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE ALL  
15 POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING SUCH  
16 DISCIPLINARY PROCEEDINGS.

17

18 (6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO  
19 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO  
20 ENJOIN ANY PERSON FROM COMMITTING ANY ACT PROHIBITED BY THIS  
21 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE  
22 ATTORNEY GENERAL SHALL NOT BE REQUIRED TO ALLEGE OR PROVE THE  
23 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR  
24 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED  
25 VIOLATION OF THIS ARTICLE.

26

27 (b) (I) IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF  
28 TITLE 24, C.R.S., AND THIS ARTICLE, THE DIRECTOR IS AUTHORIZED TO  
29 INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS  
30 RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND  
31 DUTIES OF THE DIRECTOR."

32

33 Renumber succeeding subsections accordingly.

34

35 Page 16, line 16, strike "(4)" and substitute "(II)", and strike "BOARD" and  
36 substitute "DIRECTOR";

37

38 line 17, strike "BOARD" and substitute "DIRECTOR OR AN ADMINISTRATIVE  
39 LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION  
40 (6)";

41

42 line 18, after "TO", insert "ADMINISTER OATHS, TAKE AFFIRMATIONS OF  
43 WITNESSES, AND", and after "COMPELLING", insert "THE ATTENDANCE OF  
44 WITNESSES AND";

45

46 line 19, strike "RECORDS" and substitute "ALL RECORDS, PAPERS, BOOKS,  
47 DOCUMENTS, AND MATERIALS";

48

49 strike lines 21 through 27 and substitute the following:

50

51 "INVESTIGATION.

52

53 (III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH A SUBPOENA  
54 OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE  
55 SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON  
56 APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON



1 OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER  
2 REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR;  
3 TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
4 EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE  
5 TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE  
6 TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS  
7 A CONTEMPT OF COURT.

8  
9 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
10 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT  
11 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS  
12 TO THE DIRECTOR.

13  
14 (7) IF THE DIRECTOR FINDS THE CHARGES PROVED AND ORDERS  
15 THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY REQUIRE, AS A  
16 CONDITION OF REINSTATEMENT, THAT THE LICENSEE TAKE SUCH THERAPY  
17 OR COURSES OF TRAINING OR EDUCATION AS MAY BE NEEDED TO CORRECT  
18 ANY DEFICIENCY FOUND."

19  
20 Renumber succeeding subsections accordingly.

21  
22 Page 17, strike lines 1 and 2 and substitute the following:

23  
24 "(8) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON  
25 ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS  
26 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY  
27 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE  
28 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR  
29 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS  
30 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH  
31 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER  
32 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
33 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE  
34 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS  
35 WARRANTED BY THE FACTS.";

36  
37 line 3, strike "(6)" and substitute "(b)";

38  
39 strike lines 8 through 13.

40  
41 Renumber succeeding subsection accordingly.

42  
43 Page 17, line 14, strike "BOARD" and substitute "DIRECTOR";

44  
45 line 16, strike "BOARD" and substitute "DIRECTOR";

46  
47 strike lines 18 through 27 and substitute the following:

48  
49 "(10) AN EMPLOYER OF AN ATHLETIC TRAINER SHALL REPORT TO  
50 THE DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE ATHLETIC  
51 TRAINER OR THE RESIGNATION OF THE ATHLETIC TRAINER IN LIEU OF  
52 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE.

53  
54 (11) (a) INVESTIGATIONS, EXAMINATIONS, HEARINGS, MEETINGS,  
55 AND OTHER PROCEEDINGS OF THE DIRECTOR CONDUCTED PURSUANT TO  
56 THIS SECTION SHALL BE EXEMPT FROM ANY LAW THAT REQUIRES:

- 1 (I) SUCH PROCEEDINGS TO BE CONDUCTED PUBLICLY; OR  
2  
3 (II) THE MINUTES OR RECORDS OF THE DIRECTOR, WITH RESPECT  
4 TO ACTION TAKEN PURSUANT TO THIS SECTION, TO BE OPEN TO THE PUBLIC.  
5  
6 (b) PARAGRAPH (a) OF THIS SUBSECTION (10) SHALL NOT APPLY  
7 AFTER THE DIRECTOR HAS MADE A DECISION TO PROCEED WITH A  
8 DISCIPLINARY ACTION AND HAS SERVED BY FIRST-CLASS MAIL A NOTICE OF  
9 FORMAL COMPLAINT ON THE LICENSEE.  
10  
11 (12) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
12 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
13 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT  
14 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY  
15 BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.  
16  
17 (b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY  
18 CERTIFIED MAIL, TO A LICENSEE, THE LICENSEE SHALL BE ADVISED THAT HE  
19 OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS  
20 AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS  
21 BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON  
22 WHICH THE LETTER OF ADMONITION IS BASED.  
23  
24 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE  
25 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER  
26 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.  
27  
28 (13) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
29 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,  
30 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY  
31 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION."  
32  
33 Page 18, strike lines 1 through 23;  
34  
35 line 24, strike "**12-36-314.**" and substitute "**12-29.7-110.**";  
36  
37 line 25, strike "PART 3" and substitute "ARTICLE".  
38  
39 Page 19, line 6, strike "PART 3;" and substitute "ARTICLE;";  
40  
41 line 9, strike "PART 3;" and substitute "ARTICLE;";  
42  
43 line 11, strike "SUSPENDED" and substitute "EXPIRED, SUSPENDED,";  
44  
45 strike lines 12 and 13 and substitute the following:  
46  
47 "(e) KNOWINGLY EMPLOY A PERSON AS AN ATHLETIC TRAINER  
48 WHEN THE PERSON IS NOT LICENSED UNDER THIS ARTICLE;  
49  
50 (f) PRACTICE ATHLETIC TRAINING WITHOUT A LICENSE;  
51  
52 (g) FAIL TO NOTIFY THE DIRECTOR OF THE SUSPENSION,  
53 PROBATION, OR REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD  
54 LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE  
55 ATHLETIC TRAINING IN THIS OR ANY OTHER JURISDICTION;  
56

1 (h) OTHERWISE VIOLATE ANY PROVISION OF THIS ARTICLE.";  
2  
3 line 15, strike "3" and substitute "1";  
4  
5 line 16, strike "C.R.S." and substitute "C.R.S.; EXCEPT THAT  
6 IMPRISONMENT SHALL NOT BE IMPOSED FOR ANY SUCH VIOLATION.";  
7  
8 strike lines 17 through 27.  
9  
10 Strike pages 20 and 21.  
11  
12 Page 22, strike lines 1 through 19 and substitute the following:  
13  
14 **"12-29.7-111. Rule-making authority.** THE DIRECTOR SHALL  
15 PROMULGATE RULES THAT MAY BE NECESSARY FOR THE ADMINISTRATION  
16 OF THIS ARTICLE.";  
17  
18 line 20, strike "**12-36-318.**" and substitute "**12-29.7-112.**", and strike  
19 "BOARD" and substitute "DIRECTOR";  
20  
21 line 21, strike "SEVEN" and substitute "FIVE";  
22  
23 line 22, strike "BOARD'S" and substitute "DIRECTOR'S", and strike "PART  
24 3." and substitute "ARTICLE.";  
25  
26 line 23, strike "FIVE" and substitute "THREE";  
27  
28 strike line 26 and substitute the following:  
29  
30 "TWICE DURING THE FIRST YEAR OF ITS EXISTENCE AND AT ADDITIONAL  
31 TIMES THEREAFTER AT THE REQUEST OF THE DIRECTOR.";  
32  
33 line 27, strike "BOARD.", and after "SHALL", insert "NOT".  
34  
35 Page 23, line 1, strike "PURSUANT TO SECTION 24-34-102";  
36  
37 line 2, strike "(13), C.R.S., AND" and substitute "BUT";  
38  
39 line 5, strike "PART 3" and substitute "ARTICLE";  
40  
41 strike lines 10 through 13 and substitute the following:  
42  
43 **"12-29.7-113. Severability.** IF ANY PROVISION OF THIS ARTICLE  
44 IS HELD TO BE INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER  
45 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT SUCH  
46 INVALID PROVISION.";  
47  
48 strike lines 14 and 15 and substitute the following:  
49  
50 **"12-29.7-114. Repeal of article - review of functions.** THIS  
51 ARTICLE IS REPEALED,";  
52  
53 strike lines 17 through 21 and substitute the following:  
54 "THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE REPEALED ON SAID DATE.  
55 PRIOR TO SUCH REPEAL, SUCH POWERS, DUTIES, AND FUNCTIONS SHALL BE  
56 REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S."

1 Page 24, strike line 3 and substitute the following:

2

3 "ARTICLE 29.7 OF THIS TITLE;"

4

5 Page 27, line 8, strike "12-36-318," and substitute "12-29.7-112," and  
6 strike "COLORADO STATE" and substitute "DIRECTOR OF THE DIVISION OF  
7 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.";

8

9 strike line 9;

10

11 line 16, strike "COLORADO STATE BOARD OF MEDICAL EXAMINERS" and  
12 substitute "DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE  
13 DEPARTMENT OF REGULATORY AGENCIES";

14

15 line 17, strike "PART 3 OF ARTICLE 36" and substitute "ARTICLE 29.7".

16

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

19

20 **HB06-1291** by Representative(s) Knoedler, Curry, Todd, Witwer--  
21 Concerning workers' compensation coverage for a person  
22 who is compensated for coaching youth sports.

23

24 Ordered engrossed and placed on the Calendar for Third Reading and  
25 Final Passage.

26 (For change in action, see Amendments to Report, pages 565-566.)

27

28 **HB06-1289** by Representative(s) Solano, Benefield, Lindstrom,  
29 Merrifield, Pommer, Todd; also Senator(s) Williams,  
30 Shaffer--Concerning eliminating penalties arising from a  
31 parent's choice regarding student participation in statewide  
32 assessments.

33

34 Amendment No. 1, Education Report, dated February 21, 2006, and  
35 placed in member's bill file; Report also printed in House Journal,  
36 February 22, pages 451-453.

37

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

40

41

42 A motion by Representative Madden that the Committee rise, report  
43 progress and beg leave to sit again at 2:30 p.m., was adopted by  
44 unanimous consent. (Continued on page 560.)

45

46

47

---

House reconvened.

48

49 The Committee of the Whole reported it had risen, reported progress and  
50 would sit again at 2:30 p.m.

51

52

53

54

**REPORTS OF COMMITTEE OF REFERENCE****APPROPRIATIONS**

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

**HB06-1008** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, strike lines 9 through 17 and substitute the following:

"(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AMOUNT NECESSARY TO REIMBURSE ELIGIBLE SCHOOL DISTRICTS AND ELIGIBLE CHARTER SCHOOLS PURSUANT TO THIS ARTICLE FOR THE COST OF PURCHASING SUPPLEMENTAL ON-LINE EDUCATION COURSES BE APPROPRIATED ANNUALLY FROM FEDERAL MINERAL LEASING REVENUES TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND PURSUANT TO SECTIONS 22-41-106 AND 22-54-114 (1)."

Page 5, strike lines 11 through 13.

Page 7, strike lines 8 through 23;

line 24, strike "(2)" and substitute "(5)";

line 27, strike "COMMITTEE, OR ANY SUCCESSOR COMMITTEE," and substitute "COMMITTEE".

Page 8, line 4, strike "(3)" and substitute "(6)";

line 5, strike "TO THE FUND" and substitute "FOR REIMBURSEMENTS PURSUANT TO THIS ARTICLE";

after line 6, insert the following:

**"22-57-104. Repeal of article.** THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state public school fund created in section 22-54-114, Colorado Revised Statutes, not otherwise appropriated, to the department of education, assistance to public schools, grant programs and other distributions, for the fiscal year beginning July 1, 2006, the sum of five hundred thirty-one thousand five hundred eighty dollars (\$531,580), or so much thereof as may be necessary, for the implementation of this act. Said amount shall be from federal mineral leasing revenues transferred to the state public school fund pursuant to sections 22-41-106 and 22-54-114 (1), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 102, strike "COURSES." and substitute "COURSES, AND MAKING AN APPROPRIATION THEREFOR."

1 **HB06-1154** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend the Health and Human Services Committee Report, dated  
6 February 6, 2006, page 1, strike line 1 and substitute the following:  
7

8 "Amend printed bill, page 3, line 1, strike "ACTUAL COST" and substitute  
9 "DIRECT AND INDIRECT COSTS";

10  
11 line 2, strike "AT";";

12  
13 strike lines 3 through 9 of the committee report and substitute the  
14 following:  
15

16 "strike lines 4 through 15 and substitute the following:  
17

18 "TRANSMIT MONEYS GENERATED PURSUANT TO THIS SUBSECTION (2),  
19 ALONG WITH AN EXPLANATION OF THE NUMBER OF HEIRLOOM BIRTH  
20 CERTIFICATE SALES THAT CORRESPOND TO SUCH MONEYS, TO THE STATE  
21 TREASURER, WHO SHALL CREDIT:  
22

23 (I) FOR EACH SALE OF AN HEIRLOOM BIRTH CERTIFICATE, TEN  
24 DOLLARS TO THE INFANT IMMUNIZATION FUND CREATED IN SECTION  
25 25-4-1708; AND  
26

27 (II) THE REMAINDER OF SUCH MONEYS TO THE VITAL STATISTICS  
28 RECORDS CASH FUND CREATED IN SECTION 25-2-121.".";  
29

30 strike line 10 of the committee report and substitute the following:  
31

32 "Page 4, line 3, strike "ACTUAL COST" and substitute "DIRECT AND  
33 INDIRECT COSTS";

34  
35 line 4, strike "AT";";  
36

37 strike lines 12 through 18 of the committee report and substitute the  
38 following:  
39

40 "strike lines 6 through 18 and substitute the following:  
41

42 "TRANSMIT MONEYS GENERATED PURSUANT TO THIS SUBSECTION (3),  
43 ALONG WITH AN EXPLANATION OF THE NUMBER OF HEIRLOOM MARRIAGE  
44 CERTIFICATE SALES THAT CORRESPOND TO SUCH MONEYS, TO THE STATE  
45 TREASURER, WHO SHALL CREDIT:  
46

47 (I) FOR EACH SALE OF AN HEIRLOOM MARRIAGE CERTIFICATE, TEN  
48 DOLLARS TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED  
49 IN SECTION 39-22-802, C.R.S.; AND  
50

51 (II) THE REMAINDER OF SUCH MONEYS TO THE VITAL STATISTICS  
52 RECORDS CASH FUND CREATED IN SECTION 25-2-121.".";  
53

54 after line 24, insert the following:  
55

56 **"SECTION 2. Appropriation.** In addition to any other  
appropriation, there is hereby appropriated, out of any moneys in the vital

1 statistics records cash fund created in section 25-2-121 (2) (b) (I),  
2 Colorado Revised Statutes, not otherwise appropriated, to the department  
3 of public health and environment, for allocation to the center for health  
4 and environmental information, health statistics and vital records, for the  
5 fiscal year beginning July 1, 2006, the sum of twenty-four thousand four  
6 hundred dollars (\$24,400), or so much thereof as may be necessary, for  
7 the implementation of this act.";"

8  
9  
10 Page 2 of the committee report, line 2, strike ""Section 2 Effective date."  
11 and substitute ""Section 3. Effective date.";

12  
13 after line 11 of the committee report, insert the following:

14  
15 "Page 1, line 101, strike "CERTIFICATES." and substitute "CERTIFICATES,  
16 AND MAKING AN APPROPRIATION THEREFOR."."

17  
18  
19  
20 **SB06-056** be amended as follows, and as so amended, be referred to  
21 the Committee of the Whole with favorable  
22 recommendation:

23  
24 Amend reengrossed bill, page 2, line 12, strike "PROPOSALS FOR" and  
25 substitute "ANNUAL APPROPRIATIONS THROUGH THE GENERAL  
26 APPROPRIATIONS BILL AS IT PERTAINS TO PROPOSALS FOR";

27  
28 strike lines 16 through 20 and substitute the following:

29  
30 "THIS ARTICLE; EXCEPT THAT, IF THE JOINT BUDGET COMMITTEE'S  
31 RECOMMENDATIONS TO THE APPROPRIATIONS COMMITTEES ALTER THE  
32 DETERMINATIONS OF PRIORITY ESTABLISHED BY THE CAPITAL  
33 DEVELOPMENT COMMITTEE PURSUANT TO SECTION 2-3-1304 (1) (c), PRIOR  
34 TO MAKING THE RECOMMENDATIONS, THE JOINT BUDGET COMMITTEE  
35 SHALL NOTIFY THE CAPITAL DEVELOPMENT COMMITTEE AND ALLOW FOR  
36 A JOINT MEETING OF THE JOINT BUDGET COMMITTEE AND THE CAPITAL  
37 DEVELOPMENT COMMITTEE.".

38  
39  
40  
41 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

42  
43 The Speaker has signed: **HB06-1012, 1049, 1213, 1214, 1216, 1217,**  
44 **1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228,**  
45 **1229, 1230, 1231, 1232, 1233, 1234, 1235.**

46  
47  
48 **DELIVERY OF BILLS TO GOVERNOR**

49  
50 The Chief Clerk of the House of Representatives reports the following  
51 bills have been delivered to the Office of the Governor: **HB06-1014,**  
52 **1087** at 8:14 a.m., on February 27, 2006.

53  
54  
55  
56

1                                   **MESSAGES FROM THE SENATE**

2  
3 The Senate has adopted and transmits herewith: SJR06-008.  
4

5  
6 The Senate has passed on Third Reading and returns herewith  
7 HB06-1027, HB06-1051, HB06-1002, HB06-1009, HB06-1042.  
8

9 The Senate has passed on Third Reading and transmitted to the Revisor  
10 of Statutes: SB06-187, SB06-002,  
11 SB06-180,     amended as printed in Senate Journal, February 24, 2006,  
12                   page 336,  
13 SB06-164,     amended as printed in Senate Journal, February 24, 2006,  
14                   pages 336-399, and 339-342,  
15 HB06-1140,   amended as printed in Senate Journal, February 24, 2006,  
16                   page 334  
17 HB06-1040,   amended as printed in Senate Journal, February 24, 2006,  
18                   page 334.  
19

20  
21                                   **MESSAGE FROM THE REVISOR**

22  
23 We herewith transmit:  
24 Without comment, as amended, SB06-187 and SCR06-002.  
25 With comment, HB06-1040 and 1140.  
26 With comment, SB06-164 and 180.  
27

28  
29                                   **INTRODUCTION OF BILLS**  
30                                   **First Reading**

31  
32 The following bills were read by title and referred to the committees  
33 indicated:  
34

35 **HB06-1358** by Representative(s) Coleman, Merrifield, Benefield,  
36                   Larson; also Senator(s) Grossman, Jones--Concerning  
37                   students who enroll in higher education courses while still  
38                   enrolled in high school.

39 Committee on Education  
40

41 **HB06-1359** by Representative(s) McFadyen, Carroll T.--Concerning  
42                   creation of a false claims act.

43 Committee on Judiciary  
44

45 **HB06-1360** by Representative(s) Riesberg; also Senator(s) Tupa--  
46                   Concerning the advancement of new bioscience  
47                   discoveries at Colorado research institutions through  
48                   evaluation.

49 Committee on Finance  
50

51 **HB06-1361** by Representative(s) Green; also Senator(s) Shaffer--  
52                   Concerning an incentive to help Colorado bioscience  
53                   companies offset the indirect costs associated with  
54                   research services performed by Colorado research  
55                   institutions.

56 Committee on Finance



1 **HB06-1362** by Representative(s) Massey, Jahn--Concerning the  
 2 creation of performance-based incentives for the motion  
 3 picture industry to work in Colorado.  
 4 Committee on Finance

5  
 6 **HB06-1363** by Representative(s) Benefield, McGihon, Solano, Soper,  
 7 Todd; also Senator(s) Shaffer--Concerning grants for  
 8 programs designed to prevent juvenile delinquency.  
 9 Committee on Health and Human Services

10  
 11 **SB06-154** by Senator(s) May R.; also Representative(s) Pommer--  
 12 Concerning the creation of a central statutory reference for  
 13 statutes that authorize the use of the power of eminent  
 14 domain.  
 15 Committee on State, Veterans, & Military Affairs

---

## 18 INTRODUCTION OF RESOLUTIONS

19  
 20 The following resolutions were read by title and laid over one day under  
 21 the rules:

22  
 23 **HJR06-1015** by Representative(s) Larson; also Senator(s) Isgar--  
 24 Concerning the General Assembly's opinion on matters  
 25 under consideration by the federal government related to  
 26 the proposed "Village at Wolf Creek" development near  
 27 Wolf Creek Pass.

28  
 29 **SJR06-008** by Senator(s) Keller; also Representative(s) Boyd--  
 30 Concerning recognizing the Colorado talking book library  
 31 on its seventy-fifth anniversary.

32  
 33  
 34 The following resolution was read by title and referred to the committee  
 35 indicated:

36  
 37 **HJR06-1016** by Representative(s) Schultheis, Lundberg, May M.,  
 38 McCluskey--Concerning the individual interests of  
 39 members of the general assembly in pending legislation.  
 40 Committee on State, Veterans, & Military Affairs

---

41  
 42  
 43 House in recess. House reconvened.

---

## 47 REPORT OF COMMITTEE OF REFERENCE

### 48 **EDUCATION**

49 After consideration on the merits, the Committee recommends the  
 50 following:  
 51

52  
 53 **HB06-1284** be referred to the Committee of the Whole with favorable  
 54 recommendation.  
 55  
 56

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

4  
 5  
 6 **GENERAL ORDERS--SECOND READING OF BILLS**  
 7 (Continued from page 554)  
 8

9 **HB06-1249** by Representative(s) Judd, Larson, Massey, Sullivan; also  
 10 Senator(s) Takis--Concerning granting authority to a  
 11 pregnant minor to approve perinatal medical care for the  
 12 minor's pregnancy intended to result in a live birth of a  
 13 child, and, in connection therewith, limiting the authority  
 14 to approving prenatal, delivery, and post-delivery medical  
 15 care related to the intended live birth of a child.

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

19  
 20 **HB06-1269** by Representative(s) Cloer, Butcher, Benefield, Carroll T.,  
 21 Gardner, Hefley, Larson, Lundberg, Merrifield, Riesberg,  
 22 Todd, White; also Senator(s) Tochtrop--Concerning  
 23 creation of a nursing faculty fellowship program.

24  
 25 Amendment No. 1, Health and Human Services Report, dated February  
 26 22, 2006, and placed in member's bill file; Report also printed in House  
 27 Journal, February 22, page 487.

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

31  
 32 **HB06-1299** by Representative(s) McCluskey, Larson, Coleman,  
 33 Benefield, Berens, Buescher, Carroll T., Frangas, Hall,  
 34 Jahn, Kerr, Knoedler, Liston, Penry, Todd, White,  
 35 Witwer; also Senator(s) Sandoval, Hagedorn, Kester,  
 36 Owen, Shaffer, Tochtrop--Concerning requirements for  
 37 providers of medical goods under the medical assistance  
 38 program.

39  
 40 Amendment No. 1, Health and Human Services Report, dated February  
 41 20, 2006, and placed in member's bill file; Report also printed in House  
 42 Journal, February 22, pages 471-472.

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

46  
 47 **HB06-1238** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
 48 Tapia, Keller, Owen--Concerning authority for the  
 49 department of corrections to transfer an inmate from a  
 50 residential community corrections program to a  
 51 nonresidential community intensive supervision program.

52  
 53 Amendment No. 1, by Representative Buescher.

54  
 55 Amend printed, page 2, line 16, strike "BOARD." and substitute "BOARD,  
 56 UNLESS THE COMMUNITY CORRECTIONS BOARD, WHEN IT ORIGINALLY

1 ACCEPTED THE OFFENDER, RESERVED THE RIGHT TO REVIEW THE OFFENDER  
2 AGAIN IF THE OFFENDER IS TRANSFERRED FROM HIS OR HER RESIDENTIAL  
3 COMMUNITY CORRECTIONS PROGRAM."

4

5 As amended, laid over until February 28, retaining place on Calendar.

6

7 **HB06-1332** by Representative(s) McKinley; also Senator(s) Kester--  
8 Concerning the classification of Las Animas county for  
9 purposes of fixing the salaries of county officers.

10

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

13

14 **HB06-1295** by Representative(s) Hodge; also Senator(s) Hanna--  
15 Concerning the salaries of county officers, and, in  
16 connection therewith, implementing the recommendations  
17 of the county elected officials' salary commission.

18

19 Ordered engrossed and placed on the Calendar for Third Reading and  
20 Final Passage.

21

22 **HB06-1209** by Representative(s) Witwer, Carroll T., Crane, Harvey,  
23 Hefley, Jahn, Kerr, King, Marshall, Penry, Stafford; also  
24 Senator(s) Mitchell, Grossman--Concerning the voluntary  
25 contribution designation benefiting the Colorado special  
26 olympics fund that appears on the state individual income  
27 tax return forms, and, in connection therewith, extending  
28 the period for the contribution designation.

29

30 Amendment No. 1, Finance Report, dated February 22, 2006, and placed  
31 in member's bill file; Report also printed in House Journal, February 23,  
32 pages 505-506.

33

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

36

37 **SB06-012** by Senator(s) Isgar, Kester, Bacon, Entz, Fitz-Gerald,  
38 Keller, Williams, Windels; also Representative(s) Curry,  
39 Vigil, Witwer, Gallegos--Concerning the voluntary  
40 contribution designation benefiting the family resource  
41 centers fund that appears on the state individual income  
42 tax return forms, and, in connection therewith, extending  
43 the period for the contribution designation.

44

45 Ordered revised and placed on the Calendar for Third Reading and Final  
46 Passage.

47

48

49 **HB06-1102** by Representative(s) Carroll T.; also Senator(s) Grossman--  
50 Concerning changes to strengthen the state criminal  
51 procedural law.

52

53 Amendment No. 1, Judiciary Report, dated February 9, 2006, and placed  
54 in member's bill file; Report also printed in House Journal, February 10,  
55 pages 295-296.

56

1 Amendment No. 2, by Representative Carroll T.

2

3 Amend the Judiciary Committee Report, dated February 9, 2006, page 1,  
4 strike lines 1 through 10 and substitute the following:

5

6 "Amend printed bill page 3, strike lines 3 through 17;"

7

8 Amendment No. 3, by Representative Carroll T.

9

10 Amend printed bill page 2, strike lines 4 through 26 and substitute the  
11 following:

12 **"13-25-129. Statements of child victim of unlawful sexual**  
13 **offense against a child or of child abuse - hearsay exception.** (1) An  
14 out-of-court statement made by a child, as child is defined under the  
15 statutes which are the subject of the action, describing any act of sexual  
16 contact, intrusion, or penetration, as defined in section 18-3-401, C.R.S.,  
17 performed with, by, on, or in the presence of the child declarant, not  
18 otherwise admissible by a statute or court rule which provides an  
19 exception to the objection of hearsay, is admissible in evidence in any  
20 criminal, delinquency, or civil proceedings in which a child is a victim of  
21 an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., or  
22 is a victim of incest, as defined in section 18-6-301, C.R.S., when the  
23 victim was less than fifteen years of age at the time of the commission of  
24 the offense, or in which a child is the subject of a proceeding alleging that  
25 a child is neglected or dependent under section 19-1-104 (1) (b), C.R.S.,  
26 and an out-of-court statement by a child, as child is defined under the  
27 statutes which are the subject of the action, describing any act of child  
28 abuse, as defined in section 18-6-401, C.R.S., to which the child  
29 declarant was subjected or which the child declarant witnessed, not  
30 otherwise admissible by a statute or court rule which provides an  
31 exception to the objection of hearsay, is admissible in evidence in any  
32 criminal, delinquency, or civil proceedings in which a child is a victim of  
33 child abuse or the subject of a proceeding alleging that a child is  
34 neglected or dependent under section 19-1-104 (1) (b), C.R.S., AND AN  
35 OUT-OF-COURT STATEMENT MADE BY A PERSON UNDER THIRTEEN YEARS  
36 OF AGE DESCRIBING ALL OR PART OF AN OFFENSE CONTAINED IN PART 1 OF  
37 ARTICLE 3 OF TITLE 18, C.R.S., OR DESCRIBING AN ACT OF DOMESTIC  
38 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., NOT OTHERWISE  
39 ADMISSIBLE BY STATUTE OR COURT RULE WHICH PROVIDES AN EXCEPTION  
40 TO THE OBJECTION OF HEARSAY IS ADMISSIBLE IN EVIDENCE IN ANY  
41 CRIMINAL, DELINQUENCY, OR CIVIL PROCEEDING, if:"

42

43 Amendment No. 4, by Representative Carroll T.

44

45 Amend printed bill, page 3, strike line 1 and 2.

46

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

49

50 **HB06-1202** by Representative(s) Carroll T.; also Senator(s) Mitchell--  
51 Concerning a prohibition against implying a fiduciary  
52 relationship between a financial institution and its  
53 customers absent the express written consent of the  
54 financial institution.

55

56 Laid over until May 11, 2006. Bill deemed lost.

1 **HB06-1212** by Representative(s) Boyd; also Senator(s) Veiga--  
2 Concerning authority of a pharmacist regarding emergency  
3 contraception.  
4

5 Amendment No. 1, Health and Human Services Report, dated February  
6 20, 2006, and placed in member's bill file; Report also printed in House  
7 Journal, February 22, page 454.  
8

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

12 \_\_\_\_\_  
13 House in recess. House reconvened.  
14 \_\_\_\_\_  
15

16  
17 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**  
18

19 Representative Harvey moved to amend the Report of the Committee of  
20 the Whole to show that the following Harvey amendment, to HB06-1127,  
21 did pass, and that **HB06-1127**, as amended, did pass.  
22

23 Amend the Health and Human Services Committee Report, dated January  
24 30, 2006, page 1, strike lines 2 through 6 and substitute the following:  
25

26 "Page 4, strike lines 1 through 18 and substitute the following:  
27

28 (I) THE DEVELOPMENT AND IMPLEMENTATION OF CONDITIONING  
29 PROGRAMS FOR ATHLETES;  
30

31 (II) THE PERFORMANCE OF STRENGTH TESTING USING MECHANICAL  
32 DEVICES OR OTHER STANDARD TECHNIQUES;  
33

34 (III) THE APPLICATION OF TAPE, BRACES, AND PROTECTIVE DEVICES  
35 TO PREVENT INJURY;  
36

37 (IV) THE SUPERVISION OF THE MAINTENANCE OF ATHLETIC  
38 EQUIPMENT TO ASSURE SAFETY;  
39

40 (V) THE ASSESSMENT, DURING A SCREENING PROCESS, OF  
41 PHYSICAL LIMITATIONS, INCLUDING THOSE PREVIOUSLY DIAGNOSED BY A  
42 PHYSICIAN, THAT MAY POSE A RISK OF INJURY TO AN ATHLETE;  
43

44 (VI) THE DETERMINATION OF THE LEVEL OF FUNCTIONAL  
45 CAPACITY, DECREASED RANGE OF MOTION, OR MUSCULAR WEAKNESS OF  
46 AN INJURED ATHLETE IN ORDER TO ESTABLISH THE EXTENT OF AN INJURY;  
47

48 (VII) THE ADMINISTRATION OF STANDARD TECHNIQUES OF FIRST  
49 AID;  
50

51 (VIII) THE USE OF EMERGENCY CARE EQUIPMENT TO AID THE  
52 INJURED ATHLETE BY FACILITATING SAFE TRANSPORTATION TO AN  
53 APPROPRIATE MEDICAL FACILITY;  
54

55 (IX) THE REFERRAL OF AN ATHLETE TO APPROPRIATE MEDICAL  
56 PERSONNEL AS NEEDED;

- 1 (X) THE USE OF EXERCISE AND OTHER THERAPIES FOR WHICH THE
- 2 ATHLETIC TRAINER HAS RECEIVED FORMAL TRAINING, NOT INCLUDING
- 3 DRUGS, TO RESTORE AN INJURED ATHLETE TO NORMAL FUNCTION;
- 4
- 5 (XI) THE MAINTENANCE OF ATHLETIC TRAINING RECORDS;
- 6
- 7 (XII) THE ORGANIZATION OF A MEDICAL CARE SERVICE DELIVERY
- 8 SYSTEM FOR ATHLETES WHEN NEEDED;
- 9
- 10 (XIII) THE ESTABLISHMENT OF PLANS TO MANAGE AN ATHLETE'S
- 11 MEDICAL EMERGENCIES;
- 12
- 13 (XIV) THE EDUCATION AND COUNSELING OF ATHLETES ON SPORTS
- 14 HEALTH RELATED TOPICS;
- 15
- 16 (XV) THE INSTRUCTION OF STUDENT ATHLETIC TRAINERS; AND
- 17
- 18 (XVI) THE EDUCATION AND COUNSELING OF THE GENERAL PUBLIC
- 19 WITH RESPECT TO APPROPRIATE ATHLETIC TRAINING PROGRAMS."";

20  
21 line 7 of the committee report, strike "Page 4,".

22  
23 The amendment was declared **lost** by the following roll call vote:

	YES	32	NO	30	EXCUSED	03	ABSENT	00
26	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
27	Benefield	N	Frangas	Y	Lindstrom	N	Ragsdale	N
28	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
29	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
30	Boyd	Y	Gardner	Y	Madden	N	Schultheis	Y
31	Buescher	N	Green	N	Marshall	N	Solano	N
32	Butcher	N	Hall	Y	Massey	Y	Soper	Y
33	Cadman	E	Harvey	Y	May	Y	Stafford	Y
34	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
35	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
36	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
37	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
38	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
39	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
40	Crane	Y	King	Y	Penry	Y	White	E
41	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
42							Speaker	N

43  
44 Representative Crane moved to amend the Report of the Committee of  
45 the Whole to show that the following Crane amendment, to HB06-1127,  
46 did pass, and that **HB06-1127**, as amended, did pass.

47  
48 Amend amendment No. 4 by Representative Riesberg, printed in House  
49 Journal, page 553, strike line 43 and substitute the following:

50  
51 **""12-29.7-113. Professional liability insurance required.** IT IS  
52 UNLAWFUL FOR ANY PERSON TO PRACTICE ATHLETIC TRAINING IN THIS  
53 STATE UNLESS THE PERSON PURCHASES AND MAINTAINS PROFESSIONAL  
54 LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE HUNDRED  
55 THOUSAND DOLLARS PER CLAIM WITH AN AGGREGATE LIABILITY LIMIT FOR  
56 ALL CLAIMS DURING THE YEAR OF THREE HUNDRED THOUSAND DOLLARS.

1 THE PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS SECTION  
2 SHALL COVER ALL ACTS WITHIN THE SCOPE OF THE PRACTICE OF ATHLETIC  
3 TRAINING AS DEFINED IN SECTION 12-29.7-103 (4).

4  
5 **12-29.7-114. Severability.** IN ANY PROVISION OF THIS ARTICLE";  
6  
7 line 50, strike ""**12-29.7-114.**" and substitute ""**12-29.7-115.**".

8  
9 The amendment was declared **lost** by the following roll call vote:

10

	YES	32	NO	30	EXCUSED	03	ABSENT	00
12	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
13	Benefield	N	Frangas	Y	Lindstrom	N	Ragsdale	N
14	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
15	Borodkin	N	Garcia	Y	Lundberg	Y	Rose	Y
16	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
17	Buescher	N	Green	N	Marshall	N	Solano	N
18	Butcher	N	Hall	Y	Massey	Y	Soper	N
19	Cadman	E	Harvey	Y	May	Y	Stafford	Y
20	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
21	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
22	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
23	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
24	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
25	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
26	Crane	Y	King	Y	Penry	Y	White	E
27	Curry	Y	Knoedler	Y	Plant	N	Witwer	N
28							Speaker	N

29

30 Representative Knoedler moved to amend the Report of the Committee  
31 of the Whole to show that the following Knoedler amendment, to  
32 HB06-1291, did pass, and that **HB06-1291**, as amended, did pass.

33

34 Amend printed bill, page 2, strike lines 1 through 11, and substitute the  
35 following:

36

37 **"SECTION 1.** 8-41-401, Colorado Revised Statutes, is amended  
38 **BY THE ADDITION OF A NEW SUBSECTION** to read:

39

40 **8-41-401. Lessor contractor-out deemed employer - liability -**  
41 **recovery - repeal.** (3.5) ANY PERSON WHO WORKS AS A COACH FOR A  
42 NONPROFIT ASSOCIATION, NONPROFIT CORPORATION, OR GOVERNMENTAL  
43 ENTITY, WHO IS ENGAGED IN NONCONTACT YOUTH SPORTS ACTIVITIES, AND  
44 WHO IS PAID LESS THAN EIGHT THOUSAND DOLLARS IN A CALENDAR YEAR  
45 SHALL NOT HAVE ANY CAUSE OF ACTION UNDER ARTICLES 40 TO 47 OF THIS  
46 TITLE IF THE SERVICES PERFORMED BY THE COACH ARE PERFORMED UNDER  
47 A CONTRACT THAT PROVIDES THAT THE COACH IS TO BE TREATED AS AN  
48 INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE WITH RESPECT TO  
49 SUCH SERVICES. AS USED IN THIS SUBSECTION (3.5), "NONCONTACT YOUTH  
50 SPORTS ACTIVITIES" MEANS NONCONTACT SPORTS ACTIVITIES, INCLUDING,  
51 BUT NOT LIMITED TO, BASEBALL, BASKETBALL, SOCCER, AND VOLLEYBALL,  
52 PLAYED BY MINORS UNDER NINETEEN YEARS OF AGE.

53

54 (II) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE DECEMBER 31,  
55 2009."

56

1 The amendment was declared **passed** by the following roll call vote:

	YES	53	NO	09	EXCUSED	03	ABSENT	00
4	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
5	Benefield	Y	Frangas	Y	Lindstrom	N	Ragsdale	Y
6	Berens	Y	Gallegos	N	Liston	Y	Riesberg	Y
7	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
8	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
9	Buescher	Y	Green	N	Marshall	Y	Solano	Y
10	Butcher	N	Hall	Y	Massey	Y	Soper	Y
11	Cadman	E	Harvey	Y	May	Y	Stafford	Y
12	Carroll M	Y	Hefley	E	McCluskey	Y	Stengel	Y
13	Carroll T	Y	Hodge	N	McFadyen	Y	Sullivan	Y
14	Cerbo	N	Hoppe	Y	McGihon	N	Todd	Y
15	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	N
16	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	N
17	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
18	Crane	Y	King	Y	Penry	Y	White	E
19	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
20							Speaker	Y

21  
22 Representatives Lundberg, Penry, Harvey, Stafford, Clapp, and Rose  
23 moved to amend the Report of the Committee of the Whole to show that  
24 the following Lundberg amendment, to HB06-1249, did pass, and that  
25 **HB06-1249**, as amended, did pass.

26  
27 Amend printed bill, page 2, line 6, strike "A PREGNANT MINOR" and  
28 substitute "IF A PREGNANT MINOR'S PARENT OR LEGAL GUARDIAN DOES NOT  
29 SUPPORT THE PREGNANT MINOR'S DESIRE TO BRING HER CHILD TO FULL  
30 TERM AND A HEALTHY DELIVERY OR IF, AFTER A GOOD FAITH EFFORT, THE  
31 PREGNANT MINOR'S PARENT OR LEGAL GUARDIAN CANNOT BE CONTACTED,  
32 SHE".

33  
34 The amendment was declared **lost** by the following roll call vote:

	YES	28	NO	34	EXCUSED	03	ABSENT	00
37	Balmer	Y	Decker	Y	Larson	N	Pommer	N
38	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
39	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
40	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
41	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
42	Buescher	N	Green	N	Marshall	N	Solano	N
43	Butcher	N	Hall	Y	Massey	Y	Soper	Y
44	Cadman	E	Harvey	Y	May	Y	Stafford	Y
45	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
46	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
47	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
48	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
49	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
50	Coleman	N	Kerr	Y	Paccione	Y	Welker	Y
51	Crane	Y	King	Y	Penry	Y	White	E
52	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
53							Speaker	N

54  
55



1 Representatives Gardner, Liston, and Stafford moved to amend the  
 2 Report of the Committee of the Whole to show that the following  
 3 Gardner amendment, to HB06-1102, did pass, and that **HB06-1102**, as  
 4 amended, did pass.

5  
 6 Amend printed bill, page 5, before line 23, insert the following:  
 7 "SECTION 6. 18-1-704.5 (2), Colorado Revised Statutes, is  
 8 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

9  
 10 **18-1-704.5. Use of deadly physical force against an intruder.**

11 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1-704, ANY  
 12 OCCUPANT OF A DWELLING, PLACE OF TEMPORARY LODGING, OR VEHICLE  
 13 IS JUSTIFIED IN USING ANY DEGREE OF PHYSICAL FORCE, INCLUDING  
 14 DEADLY PHYSICAL FORCE, AGAINST ANOTHER PERSON WHEN THE  
 15 OCCUPANT HOLDS A REASONABLE FEAR THAT THE OTHER PERSON CREATES  
 16 AN IMMINENT PERIL OF DEATH OR SERIOUS BODILY INJURY TO THE  
 17 OCCUPANT OR A THIRD PERSON. AN OCCUPANT OF A DWELLING, PLACE OF  
 18 TEMPORARY LODGING, OR VEHICLE IS PRESUMED TO HAVE HELD A  
 19 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS BODILY  
 20 INJURY TO HIMSELF OR HERSELF OR ANOTHER PERSON WHEN USING  
 21 PHYSICAL FORCE THAT IS INTENDED OR LIKELY TO CAUSE DEATH OR  
 22 SERIOUS BODILY HARM TO ANOTHER IF:

23  
 24 (a) THE PERSON AGAINST WHOM THE PHYSICAL FORCE WAS USED  
 25 WAS IN THE PROCESS OF UNLAWFULLY AND FORCIBLY ENTERING, OR HAD  
 26 UNLAWFULLY AND FORCIBLY ENTERED, A DWELLING, PLACE OF  
 27 TEMPORARY LODGING, OR OCCUPIED VEHICLE, OR IF THAT PERSON HAD  
 28 UNLAWFULLY REMOVED OR WAS ATTEMPTING TO UNLAWFULLY REMOVE  
 29 ANOTHER PERSON AGAINST THAT PERSON'S WILL FROM THE DWELLING,  
 30 PLACE OF TEMPORARY LODGING, OR OCCUPIED VEHICLE; AND

31  
 32 (b) THE OCCUPANT KNEW OR HAD REASON TO BELIEVE THAT AN  
 33 UNLAWFUL AND FORCIBLE ENTRY OR UNLAWFUL AND FORCIBLE ACT WAS  
 34 OCCURRING OR HAD OCCURRED."

35  
 36 Renumber succeeding section accordingly.

37  
 38 The amendment was declared **lost** by the following roll call vote:

39	YES	32	NO	30	EXCUSED	03	ABSENT	00
40	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
41	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
42	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
43	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
44	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
45	Buescher	Y	Green	N	Marshall	N	Solano	Y
46	Butcher	N	Hall	Y	Massey	Y	Soper	N
47	Cadman	E	Harvey	Y	May	Y	Stafford	Y
48	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
49	Carroll T	N	Hodge	N	McFadyen	Y	Sullivan	Y
50	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
51	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
52	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
53	Coleman	N	Kerr	Y	Paccione	Y	Welker	Y
54	Crane	Y	King	Y	Penry	Y	White	E
55	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
56							Speaker	N

1 Representatives Cloer and Stafford moved to amend the Report of the  
2 Committee of the Whole to show that the following Cloer, Stafford, and  
3 Clapp amendment, to HB06-1212, did pass, and that **HB06-1212**, as  
4 amended, did pass.

5  
6 Amend printed bill, page 3, before line 8, insert the following:

7 "(4) A PHARMACIST SHALL NOT BE DISCIPLINED OR TERMINATED BY  
8 HIS OR HER EMPLOYER FOR HIS OR HER DECISION NOT TO PRESCRIBE  
9 EMERGENCY CONTRACEPTION."

10

11 The amendment was declared **lost** by the following roll call vote:

12

	YES	26	NO	36	EXCUSED	03	ABSENT	00
14	Balmer	Y	Decker	Y	Larson	N	Pommer	N
15	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
16	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
17	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
18	Boyd	N	Gardner	N	Madden	N	Schultheis	Y
19	Buescher	N	Green	N	Marshall	N	Solano	N
20	Butcher	N	Hall	Y	Massey	Y	Soper	Y
21	Cadman	E	Harvey	Y	May	Y	Stafford	Y
22	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
23	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
24	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
25	Clapp	Y	Jahn	N	McKinley	Y	Vigil	N
26	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
27	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
28	Crane	Y	King	Y	Penry	N	White	E
29	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
30							Speaker	N

31

32 Representative Clapp moved to amend the Report of the Committee of  
33 the Whole to show that the following Clapp and Stafford amendment, to  
34 HB06-1212, did pass, and that **HB06-1212**, as amended, did pass.

35

36 Amend printed bill, page 3, strike lines 8 through 10 and substitute the  
37 following:

38

39 "**SECTION 3. Effective date.** This act shall take effect at 12:01  
40 a.m. on the day following the expiration of the ninety-day period after  
41 final adjournment of the general assembly that is allowed for submitting  
42 a referendum petition pursuant to article V, section 1 (3) of the state  
43 constitution (August 9, 2006, if adjournment sine die is on May 10,  
44 2006); except that, if a referendum petition is filed against this act or an  
45 item, section, or part of this act within such period, then the act, item,  
46 section, or part, if approved by the people, shall take effect on the date of  
47 the official declaration of the vote thereon by proclamation of the  
48 governor."

49

50 The amendment was declared **lost** by the following roll call vote:

51

	YES	25	NO	37	EXCUSED	03	ABSENT	00
53	Balmer	Y	Decker	Y	Larson	N	Pommer	N
54	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
55	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
56	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y

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

---

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

19 Passed Second Reading: **HB06-1127 amended, 1291, 1289 amended,**  
 20 **1249, 1269 amended, 1299 amended, 1332, 1295, 1209 amended,**  
 21 **SB06-012, HB06-1102 amended, 1212 amended.**

23 Laid over until date indicated retaining place on Calendar:  
 24 **HB06-1238 amended**--February 28, 2006.  
 25 **HB06-1202**--May 11, 2006.

27 The Chairman moved the adoption of the Committee of the Whole  
 28 Report. As shown by the following roll call vote, a majority of those  
 29 elected to the House voted in the affirmative, and the Report was  
 30 **adopted.**

	YES	37	NO	25	EXCUSED	03	ABSENT	00
33	Balmer	N	Decker	N	Larson	Y	Pommer	Y
34	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
35	Berens	N	Gallegos	Y	Liston	Y	Riesberg	Y
36	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
37	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
38	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
39	Butcher	Y	Hall	N	Massey	N	Soper	Y
40	Cadman	E	Harvey	N	May	N	Stafford	N
41	Carroll M	Y	Hefley	E	McCluskey	N	Stengel	N
42	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	N
43	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
44	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
45	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
46	Coleman	Y	Kerr	N	Paccione	Y	Welker	N
47	Crane	N	King	N	Penry	N	White	E
48	Curry	Y	Knoedler	N	Plant	Y	Witwer	N
49							Speaker	Y

1                   **REPORTS OF COMMITTEES OF REFERENCE**

2  
3                   **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

4 After consideration on the merits, the Committee recommends the  
5 following:

6  
7                   **HB06-1337** be amended as follows, and as so amended, be referred to  
8 the Committee on Appropriations with favorable  
9 recommendation:

10  
11 Amend printed bill, page 3, line 3, strike "day. for" and substitute "day  
12 for";

13  
14 line 4, strike "~~each day during which such violation occurs.~~" and  
15 substitute "each day during which such violation occurs.".

16  
17 Page 4, line 1, strike "TO DISADVANTAGED COMMUNITIES";

18  
19 after line 10, insert the following:

20  
21                   "(c) THE COMMISSION SHALL PROMULGATE RULES AS MAY BE  
22 NECESSARY TO ADMINISTER THIS SUBSECTION (1.7), INCLUDING, BUT NOT  
23 LIMITED TO, RULES DEFINING WHO IS ELIGIBLE FOR GRANTS, AND WHAT  
24 CRITERIA SHALL BE USED IN AWARDING GRANTS. ANY RULES SHALL BE  
25 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.".

26  
27 Page 5, after line 5, insert the following:

28  
29                   "**SECTION 3.** 25-8-202 (1) (g), Colorado Revised Statutes, is  
30 amended to read:

31  
32                   **25-8-202. Duties of the commission.** (1) The commission shall  
33 develop and maintain a comprehensive and effective program for  
34 prevention, control, and abatement of water pollution and for water  
35 quality protection throughout the entire state and, in connection  
36 therewith, shall:

37  
38                   (g) Promulgate ~~regulations~~ RULES and adopt priority ranking for  
39 the administration of federal and other public source construction loans  
40 or grants, AND GRANTS FROM THE WATER QUALITY IMPROVEMENT FUND,  
41 which the commission or the division administers AND which ~~loans or~~  
42 ~~grants~~ shall not be expended for any purpose other than that for which  
43 they were provided;".

44  
45 Renumber succeeding sections accordingly.

46  
47  
48  
49  
50                   **HEALTH & HUMAN SERVICES**

51 After consideration on the merits, the Committee recommends the  
52 following:

53  
54                   **HB06-1211** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:

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

3  
4 **"SECTION 1.** Part 4 of article 4 of title 26, Colorado Revised  
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
6 read:

7  
8 **26-4-402.5. Sanctions against providers - rules - fund.** (1) THE  
9 STATE DEPARTMENT SHALL ESTABLISH AN INFORMAL DISPUTE RESOLUTION  
10 PROCESS TO RESOLVE DISPUTES, INCLUDING BUT NOT LIMITED TO  
11 ALLEGATIONS OF RETALIATION. ON OR BEFORE APRIL 1, 2007, THE STATE  
12 BOARD SHALL ADOPT RULES TO IMPLEMENT THE INFORMAL DISPUTE  
13 RESOLUTION PROCESS. IN DRAFTING THE RULES, THE STATE DEPARTMENT  
14 SHALL CONSULT WITH RECIPIENTS, RECIPIENT ADVOCATES, COUNTIES, AND  
15 PROVIDERS.

16  
17 (2) (a) AS PART OF THE INFORMAL DISPUTE RESOLUTION PROCESS  
18 ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE STATE  
19 DEPARTMENT SHALL DEVELOP A PROGRAM TO USE VOLUNTEERS TO  
20 MEDIATE COMPLAINTS BETWEEN RECIPIENTS AND PROVIDERS AND  
21 BETWEEN RECIPIENTS AND THE STATE DEPARTMENT. THE VOLUNTEERS  
22 MAY ALSO MONITOR PROVIDER RESPONSES TO COMPLAINTS AND FOLLOW  
23 UP ON COMPLAINTS AGAINST PROVIDERS.

24  
25 (b) THE STATE DEPARTMENT MAY REQUIRE VOLUNTEERS TO  
26 UNDERGO APPROPRIATE TRAINING.

27  
28 (3) THE INFORMAL DISPUTE RESOLUTION PROCESS AND THE RULES  
29 PROMULGATED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT  
30 APPLY TO A LONG-TERM CARE FACILITY OR A HOSPITAL LICENSED OR  
31 CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., TO A COMMUNITY  
32 CENTERED BOARD AS DEFINED IN SECTION 27-10.5-102 (3), C.R.S., OR TO  
33 A SERVICE AGENCY AS DEFINED IN SECTION 27-10.5-102 (28), C.R.S.

34  
35 (4) (a) FOR PURPOSES OF THE RULES PROMULGATED PURSUANT TO  
36 SUBSECTION (1) OF THIS SECTION, "RETALIATION" MEANS TAKING ANY OF  
37 THE FOLLOWING ACTIONS AGAINST A RECIPIENT OR SOMEONE ACTING ON  
38 BEHALF OF A RECIPIENT AFTER THE RECIPIENT OR SOMEONE ACTING ON  
39 BEHALF OF THE RECIPIENT FILES A COMPLAINT CONCERNING SERVICES  
40 PROVIDED OR NOT PROVIDED TO THE RECIPIENT:

41  
42 (I) ADVERSE ACTION TAKEN AGAINST A RECIPIENT;

43  
44 (II) FAILURE TO TAKE APPROPRIATE ACTION TO ADDRESS THE  
45 HEALTH NEEDS OF A RECIPIENT; OR

46  
47 (III) INDICATING TO A RECIPIENT THAT THE RECIPIENT CANNOT  
48 HAVE AN ADVOCATE, FAMILY MEMBER, OR OTHER AUTHORIZED  
49 REPRESENTATIVE ASSIST THE RECIPIENT.

50  
51 (b) "RETALIATION" SHALL NOT INCLUDE INSTANCES WHERE A  
52 RECIPIENT IS NOT ELIGIBLE FOR A SERVICE OR PROGRAM OR WHERE A  
53 PROVIDER DOCUMENTS A PROBLEM WITH A RECIPIENT AND SHARES THE  
54 DOCUMENTATION WITH THE RECIPIENT OR A THIRD PARTY PRIOR TO THE  
55 RECIPIENT FILING A COMPLAINT.

56

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  
 6

7           **HB06-1351** be referred to the Committee of the Whole with favorable  
 8 recommendation.  
 9

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10  
 11  
 12                                   **INTRODUCTION OF BILLS**  
 13                                   **First Reading**  
 14

15 The following bills was read by title and referred to the committees  
 16 indicated:  
 17

18           **SB06-180** by Senator(s) Isgar; also Representative(s) Green--  
 19 Concerning the premium rates charged for coverage under  
 20 CoverColorado.  
 21 Committee on Business Affairs and Labor  
 22

23           **SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--  
 24 Concerning title 7 of the Colorado Revised Statutes.  
 25 Committee on Business Affairs and Labor  
 26

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27  
 28  
 29                                   **INTRODUCTION OF CONCURRENT RESOLUTION**  
 30

31 The following resolution was read by title and referred to the committee  
 32 indicated:  
 33

34           **SCR06-002** by Senator(s) Owen; also Representative(s) Coleman--  
 35 Submitting to the registered electors of the state of  
 36 Colorado amendments to articles XVII, XVIII, XX, XXIV,  
 37 and XXVI of the constitution of the state of Colorado,  
 38 concerning the elimination of obsolete provisions of the  
 39 state constitution.  
 40 Committee on State, Veterans, & Military Affairs  
 41

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42  
 43  
 44                                   **LAY OVER OF CALENDAR ITEMS**  
 45

46 On motion of Representative Madden, the following items on the  
 47 Calendar were laid over until February 28, retaining place on Calendar:  
 48  
 49

50 Consideration of General Orders--**HB06-1264, 1320, 1157, 1251, 1193,**  
 51 **1277.**

52 Consideration of Resolutions--**HJR06-1013; HR06-1006.**  
 53  
 54  
 55  
 56

1 On motion of Representative Garcia, the House adjourned until 9:00 a.m.,  
2 February 28, 2006.

3

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6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
ANDREW ROMANOFF,  
Speaker