

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

Thirty-fifth Legislative Day

Tuesday, February 14, 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 Harvey.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Plant--1.

11 Present after roll call--Representative Plant.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Cadman, the reading of the journal of
 17 February 13, 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 The following bills were considered on Third Reading. The titles were
 24 publicly read. Reading of the bill at length was dispensed with by
 25 unanimous consent.

26

27 **HB06-1188** by Representative(s) Lindstrom; also Senator Johnson --
 28 Concerning the requirement that mechanical conveyances
 29 be inspected in accordance with a national safety standard.

30

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

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

35

	YES	56	NO	09	EXCUSED	00	ABSENT	00
37	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
38	Benefield	Y	Frangas	N	Lindstrom	Y	Ragsdale	N
39	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	N
40	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
41	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
42	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
43	Butcher	Y	Hall	Y	Massey	Y	Soper	N

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

11 Co-sponsor added: Representative Berens.

12
 13 **HB06-1028** by Representative(s) Carroll T.; also Senator Mitchell--
 14 Concerning an increase in the number of judges in certain
 15 courts within the state judicial department, and making an
 16 appropriation therefor.

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	63	NO	02	EXCUSED	00	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	Y	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	N	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	Y
39	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
40							Speaker	Y

41 Co-sponsors added: Representatives Berens, Frangas, Hall, Madden, McFadyen,
 42 Merrifield, Penry, Riesberg, Rose, Stengel, and Welker.

43
 44 **HB06-1141** by Representative(s) Hall, Massey; also Senator(s)
 45 Grossman--Concerning the authorization of affiliated
 46 business arrangements relating to title insurance.

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

52	YES	64	NO	01	EXCUSED	00	ABSENT	00
54	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
55	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
56	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y

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

15 Co-sponsors added: Representatives Berens, Knoedler, and Marshall.

16
17 **HB06-1081** by Representative(s) Ragsdale; also Senator(s) Fitz-
18 Gerald--Concerning a prohibition on the inspection of
19 certain records maintained by designated election officials
20 that relate to the identification of electors.

21
22 The question being "Shall the bill pass?".

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

26	YES	65	NO	00	EXCUSED	00	ABSENT	00
27								
28	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
29	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
30	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
31	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
32	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
33	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
34	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
35	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
36	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
37	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
38	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
39	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
40	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
41	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
42	Crane	Y	King	Y	Penry	Y	White	Y
43	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
44							Speaker	Y

45
46
47 **HB06-1104** by Representative(s) Ragsdale; also Senator(s) Entz--
48 Concerning a requirement that an applicant for an
49 identification card contain the applicant's fingerprint.

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	65	NO	00	EXCUSED	00	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	Y
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	Y	Stafford	Y
10	Carroll M	Y	Hefley	Y	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	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	Y
17	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Berens, Hall, and Kerr.

20

21 **HB06-1054** by Representative(s) Plant; also Senator Groff--Con-
 22 cerning AIDS prevention.

23

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

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

	YES	55	NO	10	EXCUSED	00	ABSENT	00
28								
29	Balmer	Y	Decker	Y	Larson	N	Pommer	Y
30	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
31	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
32	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
33	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
34	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
35	Butcher	Y	Hall	N	Massey	Y	Soper	Y
36	Cadman	N	Harvey	N	May	Y	Stafford	Y
37	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
38	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
39	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
40	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
41	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
42	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
43	Crane	Y	King	N	Penry	Y	White	Y
44	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Carroll M,
 47 Carroll T, Cerbo, Crane, Frangas, Garcia, Madden, McGihon, Merrifield,
 48 Solano, and Speaker.

49

50 **HB06-1148** by Representative(s) Vigil, Hefley, Benefield, Berens,
 51 Carroll M., Coleman, Crane, Frangas, Gallegos, Green,
 52 McKinley, Merrifield, Ragsdale, Soper, Welker; also
 53 Senator(s) Tapia, Bacon, Entz, Hanna, Keller, Kester,
 54 Teck, Williams, Windels--Concerning a prohibition
 55 against the shifting of financial responsibility for
 56 negligence in construction agreements.

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

24 Co-sponsors added: Representatives Borodkin, Buescher, Butcher, Cloer.

25
 26 **HB06-1139** by Representative(s) White, Lindstrom, Plant; also
 27 Senator(s) Fitz-Gerald--Concerning the expenditure of
 28 limited gaming revenues from the state historical fund by
 29 cities that are authorized to conduct limited gaming.

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

	YES	65	NO	00	EXCUSED	00	ABSENT	00
37	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
38	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
39	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
40	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
41	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
42	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
43	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
44	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
45	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
46	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
47	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
48	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
49	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
50	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
51	Crane	Y	King	Y	Penry	Y	White	Y
52	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
53							Speaker	Y

54 Co-sponsors added: Representatives Berens, Borodkin, Frangas, Kerr,
 55 Merrifield, and Sullivan.

56

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

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

	YES	55	NO	10	EXCUSED	00	ABSENT	00
12	Balmer	Y	Decker	Y	Larson	N	Pommer	Y
13	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
14	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
15	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
16	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
17	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
18	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
19	Cadman	N	Harvey	Y	May	Y	Stafford	N
20	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
21	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
22	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
23	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
24	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
25	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
26	Crane	Y	King	N	Penry	N	White	Y
27	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Borodkin, Butcher, Coleman, Frangas,
 30 Garcia, Madden, Merrifield, Ragsdale, and Speaker.

31
 32 **HB06-1007** by Representative(s) Decker; also Senator Williams--Con-
 33 cerning the transfer of a motor vehicle to a person not
 34 licensed as a motor vehicle dealer for the purpose of
 35 scrapping the motor vehicle.

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

	YES	61	NO	04	EXCUSED	00	ABSENT	00
43	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
44	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
45	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
46	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
47	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
48	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
49	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
50	Cadman	N	Harvey	Y	May	Y	Stafford	Y
51	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
52	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
53	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
54	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
55	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
56	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y

1	Crane	Y	King	Y	Penry	Y	White	Y
2	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
3							Speaker	Y

4
 5 **HB06-1035** by Representative(s) Ragsdale, Green, Larson; also
 6 Senator(s) May R., Williams--Concerning motor vehicles
 7 required to stop before crossing at grade railroad tracks.
 8

9 The question being "Shall the bill pass?".
 10 A roll call vote was taken. As shown by the following recorded vote, a
 11 majority of those elected to the House voted in the affirmative and the bill
 12 was declared **passed**.
 13

14	YES	56	NO	09	EXCUSED	00	ABSENT	00
15	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
16	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
17	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
18	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
19	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
20	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
21	Butcher	Y	Hall	N	Massey	Y	Soper	Y
22	Cadman	N	Harvey	Y	May	Y	Stafford	N
23	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
24	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
25	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
26	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
27	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
28	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
29	Crane	Y	King	N	Penry	Y	White	Y
30	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
31							Speaker	Y

32 Co-sponsors added: Representatives Berens, Borodkin, Hall, McFadyen,
 33 Merrifield, and Sullivan.
 34
 35

36
 37 On motion of Representative Frangas, the House resolved itself into
 38 Committee of the Whole for consideration of General Orders, and he was
 39 called to the Chair to act as Chairman.
 40
 41

42
 43 **GENERAL ORDERS--SECOND READING OF BILLS**
 44

45 The Committee of the Whole having risen, the Chairman reported the
 46 titles of the following bills had been read (reading at length had been
 47 dispensed with by unanimous consent), the bills considered and action
 48 taken thereon as follows:
 49

50 (Amendments to the committee amendment are to the printed committee
 51 report which was printed and placed in the members' bill file.)
 52

53 **HB06-1156** by Representative(s) Welker; also Senator Brophy--
 54 Concerning increased consumer rights regarding the use of
 55 social security numbers.
 56

1 Amendment No. 1, Business Affairs and Labor Report, dated January 30,
2 2006, and placed in member's bill file; Report also printed in House
3 Journal, January 31, page 156.

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

7
8 **HB06-1125** by Representative(s) Coleman, Larson, Riesberg,
9 Ragsdale, Pommer, Frangas, Gallegos, Green, Judd,
10 Lindstrom, Merrifield, Vigil; also Senator(s) Groff,
11 Williams, Dyer, Grossman--Concerning the enforcement
12 of an offense involving failure to use an appropriate motor
13 vehicle restraining device.

14
15 Amendment No. 1, by Representatives Cadman and Marshall.

16
17 Amend printed bill, page 2, line 2, strike "**Repeal.**";

18
19 line 3, strike "repealed as follows:" and substitute "amended to read:";

20
21 strike lines 5 through 9 and substitute the following:

22
23 "**exemptions.** (9) No driver in a motor vehicle shall be cited for a
24 violation of subparagraph (I) of paragraph (b) of subsection (2) of this
25 section unless such driver was stopped by a law enforcement officer ~~for~~
26 ~~an alleged violation of articles 1 to 4 of this title other than a violation of~~
27 ~~this section or section 42-4-237~~ WHO, PRIOR TO THE STOP, CLEARLY
28 OBSERVED THE VIOLATION AND IS ABLE TO ARTICULATE THAT THE
29 RESTRAINING DEVICE WAS UNFASTENED.";

30
31 line 19, strike "**Repeal.**";

32
33 line 20, strike "repealed as follows:" and substitute "amended to read:";

34
35 strike lines 22 through 25 and substitute the following:

36
37 "**penalty.** (5) No driver in a motor vehicle shall be cited for a violation
38 of subsection (2) of this section unless such driver was stopped by a law
39 enforcement officer ~~for an alleged violation of articles 1 to 4 of this title~~
40 ~~other than a violation of this section~~ WHO, PRIOR TO THE STOP, CLEARLY
41 OBSERVED THE VIOLATION AND IS ABLE TO ARTICULATE THAT THE
42 RESTRAINING DEVICE WAS UNFASTENED.".

43
44 As amended, declared **lost** on Second Reading.

45 (For change in action, see Amendments to Report, page 331.)

46
47 On motion of Representative Madden, the remainder of the General
48 Orders Calendar (**HB06-1152 amended, 1088, 1053, 1084, 1204,**
49 **SB06-034, HB06-1030, 1055, 1115, 1119, 1144, 1174, 1079, 1126,**
50 **1309, 1076, 1159, 1165, 1181, 1183, 1010, 1105, 1118, 1132, 1160,**
51 **1080, 1102, 1122, 1169, 1020, 1073, 1107, 1108, 1162**) was laid over
52 until February 15, retaining place on Calendar.

53
54
55
56

1 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

2
3 Representatives Coleman and Larson moved to amend the Report of the
4 Committee of the Whole to show that **HB06-1125**, as amended, did pass.

5
6 The amendment was declared **passed** by the following roll call vote:

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

26
27
28
29 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

30
31 Passed Second Reading: **HB06-1156 amended, 1125 amended.**

32
33 Laid over until date indicated retaining place on Calendar: **HB06-1152**
34 **amended, 1088, 1053, 1084, 1204, SB06-034, HB06-1030, 1055, 1115,**
35 **1119, 1144, 1174, 1079, 1126, 1309, 1076, 1159, 1165, 1181, 1183,**
36 **1010, 1105, 1118, 1132, 1160, 1080, 1102, 1122, 1169, 1020, 1073,**
37 **1107, 1108, 1162--February 15, 2006.**

38
39 The Chairman moved the adoption of the Committee of the Whole
40 Report. As shown by the following roll call vote, a majority of those
41 elected to the House voted in the affirmative, and the Report was
42 **adopted.**

	YES	49	NO	16	EXCUSED	00	ABSENT	00
45	Balmer	N	Decker	N	Larson	Y	Pommer	Y
46	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
47	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
48	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
49	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
50	Buescher	Y	Green	Y	Marshall	N	Solano	Y
51	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
52	Cadman	N	Harvey	N	May	Y	Stafford	N
53	Carroll M	N	Hefley	N	McCluskey	Y	Stengel	Y
54	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
55	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
56	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y

1	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
2	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
3	Crane	Y	King	Y	Penry	N	White	Y
4	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
5							Speaker	Y

6
7
8 House in recess. House reconvened.
9

10
11
12 **REPORTS OF COMMITTEES OF REFERENCE**

13
14 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

17
18 **HB06-1210** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:

21
22 Amend printed bill, page 2, line 6, strike "members to" and substitute
23 "members, ~~to~~ EIGHT OF WHOM SHALL";

24
25 line 7, strike "Members" and substitute "ONE MEMBER SHALL BE
26 APPOINTED FROM THE GOVERNING COMMITTEE OF THE STATE BOARD OF
27 THE GREAT OUTDOORS COLORADO TRUST FUND CREATED BY SECTION 6 OF
28 ARTICLE XXVII OF THE STATE CONSTITUTION. THE members APPOINTED
29 BY THE BOARD OF PARKS AND OUTDOOR RECREATION";

30
31 line 11, after "REPRESENT", insert "AND BE APPOINTED BY";

32
33 line 12, strike "FUND CREATED BY SECTION 6 OF" and substitute "FUND.";

34
35 line 13, strike "ARTICLE XXVII OF THE STATE CONSTITUTION.";

36
37 line 15, after "Vacancies", insert "FROM THE MEMBERS APPOINTED BY THE
38 STATE BOARD OF PARKS AND OUTDOOR RECREATION".

39
40
41
42 **HB06-1239** be referred to the Committee of the Whole with favorable
43 recommendation.

44
45
46 **HB06-1313** be referred favorably to the Committee on Appropriations.
47

48
49
50
51 **BUSINESS AFFAIRS & LABOR**

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

54
55 **HB06-1097** be postponed indefinitely.
56

- 1 **HB06-1187** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **HB06-1195** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
- 9 **HB06-1196** be amended as follows, and as so amended, be referred to
10 the Committee on Appropriations with favorable
11 recommendation:
12
- 13 Amend printed bill, page 3, strike lines 16 and 17 and substitute the
14 following:
15
- 16 "(l) The state board of licensure for ARCHITECTS, professional
17 engineers, and professional land surveyors in the department";
18
19 line 26, strike "TECHNICAL PROFESSIONS," and substitute "ARCHITECTS,
20 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS,".
21
- 22 Page 4, strike line 12 and 13 and substitute the following:
23
24 "ARCHITECTS, professional engineers, and professional land surveyors,
25 created in section 12-25-106; that the profession involves";
26
27 strike lines 22 and 23 and substitute the following:
28
29 "(1) "Board" means the state board of licensure for ARCHITECTS,
30 professional engineers, and professional land surveyors,".
31
- 32 Page 5, strike lines 1 and 2 and substitute the following:
33
34 **"repeal of article.** (1) A state board of licensure for ARCHITECTS,
35 professional engineers, and professional land surveyors is";
36
37 line 23, strike "TECHNICAL PROFESSIONS" and substitute "ARCHITECTS,
38 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS".
39
- 40 Page 6, strike lines 6 and 7 and substitute the following:
41
42 "(1) "Board" means the state board of licensure for ARCHITECTS,
43 professional engineers, and professional land surveyors,";
44
45 line 19, strike "TECHNICAL PROFESSIONS" and substitute "ARCHITECTS,
46 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS".
47
- 48 Page 7, strike lines 6 and 7 and substitute the following:
49
50 "(u) State board of licensure for ARCHITECTS, professional
51 engineers, and professional land surveyors, created by ~~part 1 of~~";
52
53 strike lines 15 and 16 and substitute the following:
54
55 "licensure for ARCHITECTS, professional engineers, and professional land
56 surveyors pursuant to part 1 of article 25 of title 12,";

1 strike lines 21 and 22 and substitute the following:

2

3 "board of licensure for ARCHITECTS, professional engineers, and
4 professional land surveyors, created in section 12-25-106, C.R.S.,";

5

6 strike lines 26 and 27 and substitute the following:

7

8 "(2) (a) The state board of licensure for ARCHITECTS, professional
9 engineers, and professional land surveyors shall transmit a copy".

10

11 Page 8, strike lines 4 and 5 and substitute the following:

12

13 "licensure for ARCHITECTS, professional engineers, and professional land
14 surveyors shall be evidence in all courts and places in this";

15

16 strike lines 8 and 9 and substitute the following:

17

18 "ARCHITECTS, professional engineers, and professional land surveyors for
19 the filing of monument records. The cost of maintaining";

20

21 strike lines 18 and 19 and substitute the following:

22

23 "(5) "Board" means the state board of licensure for ARCHITECTS,
24 professional engineers, and professional land surveyors,";

25

26 strike lines 25 and 26 and substitute the following:

27

28 "(5) "Board" means the state board of licensure for ARCHITECTS,
29 professional engineers, and professional land surveyors,".

30

31 Page 9, line 17, strike "TECHNICAL PROFESSIONS," and substitute
32 "ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND
33 SURVEYORS,".

34

35 Page 36, line 1, strike "TECHNICAL PROFESSIONS," and substitute
36 "ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND
37 SURVEYORS,".

38

39 Page 1, line 107, strike "TECHNICAL PROFESSIONS," and substitute
40 "ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND
41 SURVEYORS,".

42

43

44

45 **HB06-1319** be referred to the Committee of the Whole with favorable
46 recommendation.

47

48

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51

PRINTING REPORT

52

53 The Chief Clerk reports the following bill has been correctly printed:
54 **HB06-1327.**

55

56

MESSAGE FROM THE SENATE

1
2
3 The Senate has passed on Third Reading and transmitted to the Revisor
4 of Statutes: SB06-107,
5
6 SB06-114, amended as printed in Senate Journal ,February 13, 2006,
7 pages 191-192,
8 SB06-118, amended as printed in Senate Journal, February 13, 2006,
9 pages 192,
10 SB06-087, amended as printed in Senate Journal, February 13, 2006,
11 pages 192,
12 SB06-112, amended as printed in Senate Journal, February 13, 2006,
13 pages 192.
14

MESSAGE FROM THE REVISOR

15
16
17
18 We herewith transmit:
19 Without comment, SB06-107.
20 Without comment, as amended, SB06-114, 118, 087, and 112.
21

INTRODUCTION OF BILLS
First Reading

22
23
24
25
26
27 The following bills were read by title and referred to the committees
28 indicated:
29

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

35 Committee on Health and Human Services
36

37 **HB06-1329** by Representative(s) Harvey--Concerning the clarification
38 that the judicial branch of state government is an employer
39 for the purpose of determining the eligibility of judges to
40 elect to participate in the state defined contribution plan.

41 Committee on Business Affairs and Labor
42

43 **HB06-1330** by Representative(s) Romanoff, Stengel; also Senator(s)
44 Fitz-Gerald, Mitchell--Concerning information filed with
45 the division of insurance by specified types of insurers.

46 Committee on Business Affairs and Labor
47

48 **HB06-1331** by Representative(s) Plant; also Senator(s) Tapia--
49 Concerning the regulation of landscape architects.

50 Committee on Business Affairs and Labor
51

52 **HB06-1332** by Representative(s) McKinley--Concerning the
53 classification of Las Animas county for purposes of fixing
54 the salaries of county officers.

55 Committee on Local Government
56

- 1 **HB06-1333** by Representative(s) Merrifield--Concerning landlord and
 2 tenant relations.
 3 Committee on Business Affairs and Labor
 4
- 5 **HB06-1334** by Representative(s) Clapp--Concerning the
 6 confidentiality of evaluations performed in proceedings
 7 involving the allocation of parental responsibilities with
 8 respect to children.
 9 Committee on Judiciary
 10
- 11 **HB06-1335** by Representative(s) Jahn--Concerning the amount of
 12 public moneys used on a construction contract that triggers
 13 the requirement that a special district publish notice about
 14 the contract.
 15 Committee on Local Government
 16
- 17 **SB06-087** by Senator(s) Jones, Groff, Johnson, Kester, Sandoval,
 18 Spence; also Representative(s) Frangas--Concerning the
 19 requirement that a person inform a patient about the duty
 20 to report certain conditions to a health department.
 21 Committee on Health and Human Services
 22
- 23 **SB06-107** by Senator(s) Johnson, Shaffer; also Representative(s)
 24 Boyd--Concerning the authorization of small employer
 25 carriers to vary certain requirements by product.
 26 Committee on Business Affairs and Labor
 27
- 28 **SB06-112** by Senator(s) Teck; also Representative(s) Buescher--
 29 Concerning a prohibition on increases in an insured's
 30 liability to pay for health care services due to a change in
 31 a provider's network status.
 32 Committee on Business Affairs and Labor
 33
- 34 **SB06-114** by Senator(s) Kester, Brophy, Taylor, Tochtrop; also
 35 Representative(s) Gardner, Boyd--Concerning the
 36 expansion of anaerobic controls to allow additional
 37 technologies to be used in the operation of housed
 38 commercial swine feeding operations.
 39 Committee on Agriculture, Livestock, & Natural Resources
 40
- 41 **SB06-118** by Senator(s) Williams; also Representative(s) Larson--
 42 Concerning amendments to the "Exceptional Children's
 43 Educational Act" to conform with the federal "Individuals
 44 with Disabilities Education Improvement Act of 2004".
 45 Committee on Education
 46

48 INTRODUCTION OF CONCURRENT RESOLUTIONS

49
 50 The following resolutions were read by title and referred to the
 51 committees indicated:
 52

- 53 **HCR06-1001** by Representative(s) White, Larson, Stafford, Coleman,
 54 Paccione, May M., Balmer, Buescher, Cadman, Carroll
 55 M., Clapp, Cloer, Crane, Curry, Gallegos, Gardner, Hall,
 56 Harvey, Hefley, Hoppe, Jahn, Kerr, Knoedler, Lundberg,

1 Massey, McKinley, Penry, Rose, Schultheis, Stengel,
 2 Welker; also Senator(s) Tochtrop, Teck, Kester, Spence,
 3 Taylor--Submitting to the registered electors of the state of
 4 Colorado an amendment to section 15 of article II of the
 5 constitution of the state of Colorado, concerning the taking
 6 of private property, and, in connection therewith,
 7 prohibiting private property from being taken by a
 8 condemning entity unless the entity establishes by clear
 9 and convincing evidence that the taking is for a public use,
 10 providing a definition of public use that excludes the
 11 benefits of economic development, and prohibiting private
 12 property from being taken by a private party except in
 13 limited circumstances.

14 Committee on State, Veterans, & Military Affairs
 15

16 **HCR06-1002** by Representative(s) Gardner, Penry--Submitting to the
 17 registered electors of the state of Colorado an amendment
 18 to article X of the constitution of the state of Colorado,
 19 concerning the creation of a state savings and trust fund,
 20 and, in connection therewith, requiring the crediting to the
 21 state savings and trust fund of excess state revenues for
 22 state fiscal years 2005-06 through 2009-10 that were
 23 authorized by voter approval of referendum C at the
 24 November 2005 statewide election to be retained and
 25 expended by the state and that exceed the estimated
 26 amount of increases in state spending for those state fiscal
 27 years set forth in the 2005 ballot information booklet,
 28 allowing the general assembly, by a two-thirds vote of the
 29 members of both houses, to transfer moneys from the state
 30 savings and trust fund to address future state general fund
 31 revenue shortfalls, and requiring replenishment of the state
 32 savings and trust fund after such a shortfall has been
 33 addressed.

34 Committee on Finance
 35

37 INTRODUCTION OF RESOLUTIONS

38
 39 The following resolution was read by title and laid over one day under the
 40 rules:

41
 42 **HJR06-1013** by Representative(s) Kerr, Carroll M., Frangas, Gallegos,
 43 Knoedler, Liston, Massey, Solano, Stafford; also
 44 Senator(s) Williams, Evans, Shaffer, Teck--Concerning
 45 consumer disclosure of the terms and conditions to borrow
 46 money.
 47

48
 49 The following resolution was read by title and referred to the committee
 50 indicated:

51
 52 **HJR06-1014** by Representative(s) Butcher; also Senator(s) Tapia--
 53 Concerning the adoption of a core curriculum by each
 54 school district.

55 Committee on Education
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LAY OVER OF CALENDAR ITEMS

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

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

Correction

H.J. page 300, line 42, strike "COURT";
line 50, strike "COURT".
Page 301, line 4, strike "COURT";
line 12, strike "COURT";
line 26, strike "A"and substitute "A", also strike "CRUEL" and substitute "CRUEL";
line 37, strike "A" and substitute "A", also strike "EXTREME", and substitute "EXTREME".

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

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk