

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

One hundred-eleventh Legislative Day Monday, May 1, 2006

1 Prayer by Rabbi Anot Moskowitz, Temple Shalome, Colorado Springs.

2

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

4

5 Pledge of Allegiance led by Willows Kindergarten class, Littleton.

6

7 The roll was called with the following result:

8

9 Present--44.

10 Excused--Representatives Borodkin, Buescher, Butcher, Curry,
11 Garcia, Gardner, Green, Hall, Harvey, Hefley, Hoppe, Judd, King,
12 Massey, McGihon, Merrifield, Penry, Plant, Riesberg, Vigil,
13 Weissmann--21.

14 Present after roll call--Representatives Borodkin, Buescher,
15 Butcher, Curry, Garcia, Gardner, Green, Hall, Harvey, Hefley,
16 Hoppe, Judd, King, Massey, McGihon, Merrifield, Penry, Plant,
17 Riesberg, Vigil, Weissmann.

18

19 The Speaker declared a quorum present.

20

21

22 On motion of Representative Witwer, the reading of the journal of
23 April 28, 2006, was declared dispensed with and approved as corrected
24 by the Chief Clerk.

25

26

27

CONSIDERATION OF RESOLUTIONS

28

29 **HR06-1009** by Representative(s) Paccione, McKinley, Riesberg,
30 Gallegos, Soper, McFadyen, Solano, Benefield, Vigil,
31 Borodkin, Carroll M., Frangas, Lindstrom--Concerning the
32 use of wind power to supplement existing sources of
33 energy in Colorado, and, in connection therewith, urging
34 the federal government to renew and make permanent the
35 production tax credit for producers of renewable energy
36 and encouraging the further development and deployment
37 of technologies to best harness and employ wind energy.

38

39 (Printed and placed in member's file.)

40

41 As shown by the following recorded vote less than a majority of those
42 elected to the House voted in the affirmative and the resolution was
43 declared **lost**:

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

20 **HJR06-1024** by Representative(s) McCluskey, Balmer, Cadman, Carroll
 21 M., Jahn, Larson, Liston, Paccione, Witwer; also
 22 Senator(s) Veiga, Boyd, Kester, Owen, Tochtrop, Wiens--
 23 Concerning opposition to federal preemption of the
 24 regulation of insurance.

25
 26 (Printed and placed in member's file.)

27
 28 On motion of Representative McCluskey, the resolution was **adopted** by
 29 **viva voce** vote.

30
 31 Co-sponsors added: Representatives Crane, Kerr A, Kerr J, Lundberg,
 32 Ragsdale, Rose, Schultheis, Soper, Stafford, Stengel, Sullivan, Welker.

33
 34 **HJR06-1025** by Representative(s) Decker, Cerbo, Cloer, Lindstrom;
 35 also Senator(s) Tapia--Concerning sleep disorders, and, in
 36 connection therewith, encouraging persons with sleep
 37 difficulties to seek diagnosis and treatment.

38
 39 (Printed and placed in member's file.)

40
 41 On motion of Representative Decker, the resolution was **adopted** by **viva**
 42 **voce** vote.

43
 44 Co-sponsors added: Representatives Benefield, Berens, Carroll M, Carroll T,
 45 Crane, Frangas, Gallegos, Green, Hodge, Kerr A, Kerr J, Madden, McFadyen,
 46 McGihon, Merrifield, Paccione, Pommer, Ragsdale, Solano, Soper, Stafford,
 47 Stengel, Todd, White, Speaker.

48
 49
 50 **NOTICE OF INTENT TO RECONSIDER HR06-1009**

51
 52 Having voted on the prevailing side, Representative Sullivan served
 53 notice of intent to reconsider the last House action (adoption) on
 54 **HR06-1009**.

55
 56

1 **HR06-1011** by Representative(s) Welker, Stafford, McFadyen--
 2 Concerning support for measures to reduce prison
 3 recidivism.

4
 5 (Printed and placed in member's file.)

6
 7 On motion of Representative Welker, the resolution was **adopted** by
 8 **viva voce** vote.

9
 10 Co-sponsors added: Representatives Berens, Carroll T, Clapp, Coleman, Crane,
 11 Frangas, Gallegos, Green, Hodge, Jahn, Kerr A, Kerr J, Liston, Lundberg,
 12 Madden, May, Ragsdale, Schultheis, Soper, Stengel, Sullivan, Todd, White.

13
 14 **SJR06-046** by Senator(s) Taylor, Isgar, Spence, Takis; also
 15 Representative(s) Coleman, Schultheis, Vigil, White--
 16 Concerning the appointment of Sally W. Symanski to the
 17 position of state auditor.

18
 19 (Printed and placed in member's file.)

20
 21 On motion of Representative Coleman, the resolution was **adopted** by
 22 the following roll call vote:

	YES	46	NO	00	EXCUSED	19	ABSENT	00
25	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
26	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
27	Berens	Y	Garcia	E	Liston	Y	Riesberg	E
28	Borodkin	E	Gardner	E	Lundberg	Y	Rose	Y
29	Buescher	E	Green	Y	Madden	Y	Schultheis	Y
30	Butcher	E	Hall	E	Marshall	-	Solano	Y
31	Cadman	Y	Harvey	E	Massey	Y	Soper	Y
32	Carroll M	Y	Hefley	E	May	Y	Stafford	Y
33	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
34	Cerbo	Y	Hoppe	E	McFadyen	Y	Sullivan	Y
35	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
36	Cloer	Y	Judd	E	McKinley	Y	Vigil	E
37	Coleman	Y	Kerr A	Y	Merrifield	-	Weissmann	E
38	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
39	Curry	E	King	E	Penry	E	White	Y
40	Decker	Y	Knoedler	Y	Plant	E	Witwer	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Berens, Frangas, Kerr J, McFadyen,
 43 Ragsdale.

44
 45 **SJR06-047** by Senator(s) Johnson; also Representative(s) McGihon,
 46 Romanoff, Stafford, Berens, Cloer, Frangas, Green, Kerr
 47 A., Kerr J., Riesberg, Soper, Weissmann--Concerning the
 48 declaration of the week commencing May 1, 2006, as
 49 "Cover the Uninsured Week".

50
 51 (Printed and placed in member's file.)

52
 53 On motion of Representative McGihon, the resolution was **adopted** by
 54 the following roll call vote:

55

	YES	40	NO	05	EXCUSED	20	ABSENT	00
1	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	Y	Garcia	E	Liston	Y	Riesberg	E
4	Borodkin	E	Gardner	E	Lundberg	N	Rose	Y
5	Buescher	E	Green	Y	Madden	Y	Schultheis	N
6	Butcher	E	Hall	E	Marshall	E	Solano	Y
7	Cadman	N	Harvey	E	Massey	Y	Soper	Y
8	Carroll M	Y	Hefley	E	May	Y	Stafford	Y
9	Carroll T	E	Hodge	Y	McCluskey	Y	Stengel	N
10	Cerbo	Y	Hoppe	E	McFadyen	Y	Sullivan	Y
11	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
12	Cloer	Y	Judd	E	McKinley	Y	Vigil	E
13	Coleman	Y	Kerr A	Y	Merrifield	E	Weissmann	E
14	Crane	Y	Kerr J	Y	Paccione	Y	Welker	N
15	Curry	E	King	E	Penry	E	White	Y
16	Decker	Y	Knoedler	Y	Plant	E	Witwer	Y
17							Speaker	Y

18
19 Co-sponsors added: Representatives Benefield, Carroll M, Carroll T, Clapp,
20 Coleman, Gallegos, Hodge, Larson, McFadyen, Paccione, Pommer, Ragsdale,
21 Solano, Todd.

22
23
24
25 **CONSIDERATION OF MEMORIAL**

26
27 **HM06-1004** by Representative(s) May--Concerning honoring former
28 representative Anne McGill Gorsuch-Burford.

29
30 (Printed and placed in member's file.)

31
32 On motion of Representative Madden, the memorial was read at length
33 and **adopted** by the following roll call vote:

	YES	61	NO	00	EXCUSED	04	ABSENT	00
36	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
37	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
38	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
39	Borodkin	E	Gardner	Y	Lundberg	Y	Rose	Y
40	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
41	Butcher	Y	Hall	Y	Marshall	E	Solano	Y
42	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
43	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
44	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
45	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
46	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
47	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
48	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
49	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
50	Curry	Y	King	E	Penry	E	White	Y
51	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
52							Speaker	Y

53 Co-sponsors added: Roll call of the House.

54
55
56

THIRD READING OF BILLS--FINAL PASSAGE

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

HB06-1393 by Representative(s) Curry, Buescher; also Senator(s) Isgar--Concerning the use of severance tax revenues by the department of agriculture for the natural resources conservation matching grants program.

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Hoppe was given permission to offer a Third Reading amendment:

YES	64	NO	00	EXCUSED	01	ABSENT	00
Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
Curry	Y	King	Y	Penry	Y	White	Y
Decker	Y	Knoedler	Y	Plant	E	Witwer	Y
						Speaker	Y

Third Reading amendment No. 1, by Representative Hoppe.

Amend engrossed bill, page 2, line 21, after "(III)", insert "(A)".

Page 3, after line 1, insert the following:

"(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2011.";

line 4, strike "**fund.**" and substitute "**fund - repeal. (1)**";

after line 14, insert the following:

"(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.".

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

YES	64	NO	00	EXCUSED	01	ABSENT	00
Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y

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

14

15 The question being, "Shall the bill, as amended, 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
 18 bill, as amended, was declared **passed**.

19

20

	YES	59	NO	05	EXCUSED	01	ABSENT	00
21	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
22	Benefield	Y	Gallegos	Y	Lindstrom	N	Ragsdale	Y
23	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
24	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
25	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
26	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
27	Cadman	N	Harvey	Y	Massey	Y	Soper	Y
28	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
29	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
30	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
31	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
32	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
33	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
34	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
35	Curry	Y	King	Y	Penry	Y	White	Y
36	Decker	Y	Knoedler	Y	Plant	E	Witwer	Y
37							Speaker	Y

38 Representative Plant excused from voting under House Rule 21(c).

39 Co-sponsors added: Representatives Berens, Cloer, Coleman, Crane, Gardner,
 40 Hall, Hefley, Hodge, Hoppe, McFadyen, Merrifield, Paccione, Penry, Rose,
 41 Solano, Stafford, Sullivan, White.

42

43 **HB06-1406** by Representative(s) Solano; also Senator(s) Boyd--
 44 Concerning the regulation of electronic devices that are
 45 designed to cause traffic lights to change.

46

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

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

51

52

	YES	59	NO	06	EXCUSED	00	ABSENT	00
53	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
54	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
55	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
56	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	N

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

14 Co-sponsors added: Representatives Benefield, Berens, Borodkin, Carroll T,
15 Hoppe, Todd, Speaker.

16
17 **HB06-1407** by Representative(s) Pommer; also Senator(s) Boyd--
18 Concerning workers' compensation coverage for an
19 independent contractor working as a driver.

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

25	YES	55	NO	09	EXCUSED	01	ABSENT	00
26	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
27	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
28	Berens	Y	Garcia	N	Liston	Y	Riesberg	Y
29	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
30	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
31	Butcher	Y	Hall	Y	Marshall	N	Solano	Y
32	Cadman	Y	Harvey	Y	Massey	Y	Soper	N
33	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
34	Carroll T	Y	Hodge	N	McCluskey	Y	Stengel	Y
35	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	E
36	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
37	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
38	Coleman	N	Kerr A	Y	Merrifield	Y	Weissmann	N
39	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
40	Curry	Y	King	Y	Penry	Y	White	Y
41	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
42							Speaker	Y

43
44 Co-sponsors added: Representatives Butcher, Jahn, Larson, Lundberg, Vigil.

45
46 **HB06-1399** by Representative(s) Hall, Plant, Buescher; also Senator(s)
47 Tapia, Keller, Owen--Concerning the authority to use a
48 percentage of stipend spending authority to purchase
49 postsecondary educational services if authorized by a fee-
50 for-service contract.

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

56

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1								
2	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
3	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
4	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
5	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
6	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
7	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
8	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
9	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
10	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
11	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
12	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
13	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
14	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
15	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
16	Curry	Y	King	Y	Penry	Y	White	Y
17	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
18							Speaker	Y

19 Co-sponsors added: Representatives McCluskey, Riesberg, Todd, Witwer.

20
 21 **HB06-1400** by Representative(s) Buescher, Penry, Curry; also
 22 Senator(s) Isgar--Concerning interbasin compacts, and, in
 23 connection therewith, approving the interbasin compact
 24 charter and altering the boundaries that define certain
 25 western slope basin roundtables, and making an
 26 appropriation.

27
 28 The question being "Shall the bill pass?".

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

	YES	64	NO	01	EXCUSED	00	ABSENT	00
33								
34	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
35	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
36	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
37	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
38	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
39	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
40	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
41	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
42	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
43	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
44	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
45	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
46	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
47	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
48	Curry	Y	King	Y	Penry	Y	White	Y
49	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
50							Speaker	Y

51 Co-sponsors added: Representatives Coleman, Frangas, Gallegos, Gardner,
 52 Hall, Hodge, Hoppe, Jahn, King, Liston, Madden, Merrifield, Paccione, Rose,
 53 Stafford, Sullivan, White, Witwer.

54
 55

1 **HB06-1405** by Representative(s) Plant, Buescher, Hall; also Senator(s)
 2 Tapia, Keller, Owen--Concerning a supplemental
 3 appropriation to capital construction.
 4

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

	YES	62	NO	03	EXCUSED	00	ABSENT	00
11	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
12	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
13	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
14	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
15	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
16	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
17	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
18	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
19	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
20	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
21	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
22	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
23	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
24	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
25	Curry	Y	King	Y	Penry	Y	White	Y
26	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
27							Speaker	Y

28 Co-sponsors added: Representatives Berens, Carroll M, Coleman, Green,
 29 McFadyen.
 30

31 **HB06-1398** by Representative(s) Plant, Buescher, Hall; also Senator(s)
 32 Owen, Keller, Tapia--Concerning clarification of the
 33 manner in which the transfer of net revenue of the state
 34 sales and use tax to specified funds as currently authorized
 35 by law is to be administered.
 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**.
 41

	YES	64	NO	01	EXCUSED	00	ABSENT	00
43	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
44	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
45	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
46	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
47	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
48	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
49	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
50	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
51	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
52	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
53	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
54	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
55	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
56	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y

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

4
 5 **SB06-015** by Senator(s) Taylor, Hanna, Takis; also Representative(s)
 6 Coleman, Schultheis, Vigil, White--Concerning a
 7 clarification of the types of motor vehicles included in the
 8 centralized fleet of state vehicles, and making an
 9 appropriation therefor.

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**.

16	YES	65	NO	00	EXCUSED	00	ABSENT	00
17	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
18	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
19	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
20	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
21	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
22	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
23	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
24	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
25	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
26	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
27	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
28	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
29	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
30	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
31	Curry	Y	King	Y	Penry	Y	White	Y
32	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
33							Speaker	Y

34 Co-sponsors added: Representatives Frangas, McFadyen.

35
 36 **SB06-020** by Senator(s) Hanna; also Representative(s) Green--
 37 Concerning the creation of a nurse licensure compact, and
 38 making an appropriation therefor

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

45	YES	47	NO	18	EXCUSED	00	ABSENT	00
46	Balmer	N	Frangas	Y	Larson	Y	Pommer	Y
47	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
48	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
49	Borodkin	Y	Gardner	N	Lundberg	N	Rose	N
50	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
51	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
52	Cadman	N	Harvey	N	Massey	Y	Soper	Y
53	Carroll M	Y	Hefley	Y	May	N	Stafford	Y
54	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
55	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
56	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y

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

7 Co-sponsors added: Representatives Borodkin, Garcia, Kerr A, Madden,
8 McGihon, Paccione, Todd.

9
10 **SB06-038** by Senator(s) Tapia; also Representative(s) Knoedler--
11 Concerning investigation of insurance fraud, and making
12 an appropriation.

13
14 The question being "Shall the bill pass?".

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

18	YES	61	NO	04	EXCUSED	00	ABSENT	00
19	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
20	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
21	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
22	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
23	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
24	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
25	Cadman	N	Harvey	Y	Massey	Y	Soper	Y
26	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
27	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
28	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
29	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
30	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
31	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
32	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
33	Curry	Y	King	Y	Penry	Y	White	Y
34	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
35							Speaker	Y

36
37 Co-sponsor added: Representative Kerr J.

38
39 **SB06-094** by Senator(s) Spence; also Representative(s) Lindstrom--
40 Concerning the regulation of motor carriers by the public
41 utilities commission.

42
43 The question being "Shall the bill pass?".

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

47	YES	57	NO	08	EXCUSED	00	ABSENT	00
48	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
49	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
50	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
51	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
52	Buescher	Y	Green	Y	Madden	N	Schultheis	Y
53	Butcher	N	Hall	Y	Marshall	N	Solano	Y
54	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
55	Carroll M	N	Hefley	Y	May	Y	Stafford	Y

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

10

11 **SB06-152** by Senator(s) Teck; also Representative(s) Buescher--
 12 Concerning the oversight of investments for specified
 13 institutions of higher education.

14

15 As shown by the following roll call vote, a majority of all members
 16 elected to the House voted in the affirmative, and Representative
 17 Buescher was given permission to offer a Third Reading amendment:

18

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

37

38 **Third Reading amendment No. 1**, by Representative Buescher.

39

40 Amend revised bill, page 2, line 25, strike "TO 23-53-103.5," and
 41 substitute "AND 23-53-103.4,".

42

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

44

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

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

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

13	YES	62	NO	03	EXCUSED	00	ABSENT	00
14	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
15	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
16	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
17	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
18	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
19	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
20	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
21	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
22	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	N
23	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
24	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
25	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
26	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	N
27	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
28	Curry	Y	King	Y	Penry	Y	White	Y
29	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Liston, Todd.

32
33 **SB06-171** by Senator(s) Johnson; also Representative(s) Lindstrom--
34 Concerning the transfer of certain authorities of the state
35 board of health to other governmental entities, and making
36 an appropriation therewith.

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

43	YES	65	NO	00	EXCUSED	00	ABSENT	00
44	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
45	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
47	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
48	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
49	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
50	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
51	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
52	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
53	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
54	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
55	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
56	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y

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

5
6 **SB06-172** by Senator(s) Taylor; also Representative(s) Cloer, Soper--
7 Concerning an exemption to certain motor vehicle
8 requirements for persons who are honored for service in
9 the armed forces of the United States.

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**.

16	YES	65	NO	00	EXCUSED	00	ABSENT	00
17	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
18	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
19	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
20	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
21	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
22	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
23	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
24	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
25	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
26	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
27	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
28	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
29	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
30	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
31	Curry	Y	King	Y	Penry	Y	White	Y
32	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
33							Speaker	Y

34 Co-sponsors added: Representatives Berens, Buescher, Coleman, Frangas,
35 Gallegos, Hefley, Jahn, Kerr A, Kerr J, Larson, Liston, Lundberg, Massey,
36 Paccione, Penry, Rose, Schultheis, Solano, Stafford, Todd, White, Speaker.

37
38 **SB06-176** by Senator(s) Spence; also Representative(s) Massey--
39 Concerning requirements for educators, and making an
40 appropriation therefor.

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

47	YES	65	NO	00	EXCUSED	00	ABSENT	00
48	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
49	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
50	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
51	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
52	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
53	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
54	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
55	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
56	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y

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

9 Co-sponsors added: Representatives Berens, Carroll T, Coleman, Kerr A,
10 Soper, Todd.

11
12 **SB06-188** by Senator(s) Evans; also Representative(s) Hodge--
13 Concerning the central filing of an effective financing
14 statement, and making an appropriation therefor.

15
16 The question being "Shall the bill pass?".

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

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

39
40 **SB06-105** by Senator(s) Takis; also Representative(s) Cerbo--
41 Concerning the regulation of mechanical conveyances, and
42 making an appropriation therefor.

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**.

49	YES	36	NO	29	EXCUSED	00	ABSENT	00
50	Balmer	Y	Frangas	Y	Larson	N	Pommer	Y
51	Benefield	Y	Gallegos	Y	Lindstrom	N	Ragsdale	Y
52	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
53	Borodkin	Y	Gardner	N	Lundberg	N	Rose	Y
54	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
55	Butcher	Y	Hall	N	Marshall	Y	Solano	Y
56	Cadman	N	Harvey	N	Massey	N	Soper	Y

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

11 Co-sponsors added: Representatives Frangas, Hodge, McFadyen, Soper, Vigil.

15 REPORTS OF COMMITTEE OF REFERENCE

17 APPROPRIATIONS

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

21 **HB06-1100** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:

25 Amend the Health and Human Services Committee Report, dated April
26 26, 2006, page 13, after line 8, insert the following:

28 **"SECTION 8. Appropriation.** (1) In addition to any other
29 appropriation, there is hereby appropriated, out of moneys in the general
30 fund, not otherwise appropriated to the department of health care policy
31 and financing, executive director's office, for the fiscal year beginning
32 July 1, 2006, the sum of one hundred eighty thousand ninety-two dollars
33 (\$180,092) to the Colorado cares RX program fund, created in section
34 25.5-1-608 (1), Colorado Revised Statutes.

36 (2) In addition to any other appropriation, there is hereby
37 appropriated, out of any moneys in the Colorado cares RX program fund,
38 created in section 25.5-1-608 (1), Colorado Revised Statutes, not
39 otherwise appropriated, to the department of health care policy and
40 financing, for the fiscal year beginning July 1, 2006, the sum of one
41 hundred eighty-thousand ninety-two dollars (\$180,092) and 1.0 FTE, or
42 so much thereof as may be necessary, for the implementation of this act.
43 This appropriation shall be used for the expenses of Colorado cares RX
44 program created in section 25.5-1-601, Colorado Revised Statutes."

46 Renumber succeeding section accordingly.

48 Page 13 of the Committee Report, after line 11, insert the following:
49 "Amend printed bill, page 1, line 101, strike "**DRUGS.**" and substitute
50 "**DRUGS, AND MAKING AN APPROPRIATION THEREFOR.**"."

54 **HB06-1252** be postponed indefinitely.

1 **HB06-1403** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 12, after line 2, insert the following:
6

7 **"SECTION 2. Appropriation.** In addition to any other
8 appropriation, there is hereby appropriated, out of any moneys in the
9 public education demonstration project fund created in section 22-88-106
10 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the
11 department of education, grant programs and other distributions, for the
12 public education demonstration project, for the fiscal year beginning
13 July 1, 2006, the sum of two hundred fifty-five thousand dollars
14 (\$255,000), or so much thereof as may be necessary, for the
15 implementation of this act."
16

17 Renumber succeeding section accordingly.
18

19 Page 1, line 102, strike "**DISTRICT.**" and substitute "**DISTRICT, AND**
20 **MAKING AN APPROPRIATION THEREFOR.**".
21

22
23
24 **SB06-001** be referred to the Committee of the Whole with favorable
25 recommendation.
26

27
28 **SB06-011** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **SB06-048** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:
35

36 Amend reengrossed bill, page 4, line 3, strike "section 2-3-304.5 (7) (b),"
37 and substitute "section 2-3-304.5 (5) (b),".
38

39
40
41 **SB06-072** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:
44

45 Amend reengrossed bill, page 8, strike lines 26 and 27.
46

47 Page 9, strike lines 1 through 6.
48

49 Renumber succeeding section accordingly.
50

51 Page 1, line 101, strike "**DRIVING, AND**" and substitute "**DRIVING.**";
52

53 strike line 102.
54
55
56

1 **SB06-081** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB06-096** be referred to the Committee of the Whole with favorable
6 recommendation.
7

8
9 **SB06-141** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:
12

13 Amend the Finance Committee Report, dated April 26, 2006, page 1,
14 strike lines 1 through 3 and substitute the following:
15

16 "Amend corrected reengrossed bill, page 6, strike lines 15 through 19 and
17 substitute the following:
18

19 "25-3-101."";
20

21 line 4 of the committee report, strike "14" and substitute "12", and strike
22 "17" and substitute "15";
23

24 line 6 of the committee report, strike "5" and substitute "3";
25

26 line 7 of the committee report, strike "9" and substitute "7";
27

28 line 9 of the committee report, strike "22" and substitute "20";
29

30 Page 2 of the committee report, line 1, change the last period to a
31 semicolon;
32

33 after line 1 of the committee report, insert the following:
34

35 "Page 20, after line 18, insert the following:
36

37 **"25-36-107. Repeal of article.** (1) THIS ARTICLE IS REPEALED,
38 EFFECTIVE JULY 1, 2010.
39

40 (2) PRIOR TO SUCH REPEAL, THE REPORTING REQUIREMENT SHALL
41 BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S."
42

43 Page 21, after line 3, insert the following:
44

45 **SECTION 3.** 24-34-104 (41), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
47

48 **24-34-104. General assembly review of regulatory agencies
49 and functions for termination, continuation, or reestablishment.**

50 (41) The following agencies, functions, or both, shall terminate on July
51 1, 2010:
52

53 (s) THE "HEALTH CARE TRANSPARENCY ACT" IMPLEMENTED BY
54 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
55 ARTICLE 36 OF TITLE 25, C.R.S."
56

56 Renumber succeeding sections accordingly."

1 **SB06-193** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
5

6 On motion of Representative Madden, **HB06-1408, 1409, SB06-045,**
7 **212, 217, 149, 063, 224** were made Special Orders on Monday, May 1,
8 2006, at 10:38 a.m.
9

10
11 The hour of 10:38 a.m., having arrived, on motion of Representative
12 Sullivan, the House resolved itself into Committee of the Whole for
13 consideration of Special Orders and he was called to the Chair to act as
14 Chairman.
15

16
17 **SPECIAL ORDERS--SECOND READING OF BILLS**
18

19 The Committee of the Whole having risen, the Chairman reported the
20 titles of the following bills had been read (reading at length had been
21 dispensed with by unanimous consent), the bills considered and action
22 taken thereon as follows:
23

24 (Amendments to the committee amendment are to the printed committee
25 report which was printed and placed in the members' bill file.)
26

27 **HB06-1408** by Representative(s) Massey--Concerning off-site ground
28 water monitoring wells in mining operations.
29

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

33 **HB06-1409** by Representative(s) Jahn; also Senator(s) Tochtrop--
34 Concerning the authority to simulcast out-of-state
35 greyhound races at greyhound race facilities.
36

37 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
38 dated April 28, 2006, and placed in member's bill file; Report also printed
39 in House Journal, April 28, page 1552.
40

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

44 **SB06-045** by Senator(s) Williams, Jones; also Representative(s)
45 Solano, Hefley, Merrifield--Concerning the investigation
46 of child care providers, and making an appropriation
47 therefor.
48

49 Amendment No. 1, Appropriations Report, dated April 24, 2006, and
50 placed in member's bill file; Report also printed in House Journal, April
51 24, pages 1439-1440.
52

53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.
55
56

1 **SB06-212** by Senator(s) Hagedorn; also Representative(s) McGihon--
2 Concerning the authority of an unsupervised dental
3 hygienist to arrange for the provision of dental services,
4 and, in connection therewith, allowing the proprietor of a
5 dental hygiene clinic to employ or contract with a licensed
6 dentist.

7
8 Ordered revised and placed on the Calendar for Third Reading and Final
9 Passage.

10
11 **SB06-217** by Senator(s) Groff, Wiens; also Representative(s)
12 Carroll T., Cerbo, Harvey--Concerning the authority of the
13 state board of medical examiners to license certain
14 distinguished teaching physicians.

15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.

18
19 **SB06-149** by Senator(s) May R.; also Representative(s) Coleman--
20 Concerning oversight of communications and information
21 resources technologies in state agencies.

22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.

25
26 **SB06-063** by Senator(s) Teck, Groff, Hanna; also Representative(s)
27 Weissmann, Liston, Marshall--Concerning the
28 procurement of information technology systems, and
29 making an appropriation therefor.

30
31 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
32 April 11, 2006, and placed in member's bill file; Report also printed in
33 House Journal, April 12, page 1176.

34
35 Amendment No. 2, Appropriations Report, dated April 26, 2006, and
36 placed in member's bill file; Report also printed in House Journal, April
37 27, page 1489.

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

41
42 On motion of Representative Madden, the remainder of the Special
43 Orders Calendar (**SB06-224**) was laid over until later in the day, retaining
44 place on Calendar.

47 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

48
49 Passed Second Reading: **HB06-1408, 1409 amended, SB06-045**
50 **amended, 212, 217, 149, 063 amended.**

51
52 Laid over until date indicated retaining place on Calendar: **SB06-224--**
53 **later in the day, May, 1, 2006.**

54
55 The Chairman moved the adoption of the Committee of the Whole
56 Report. As shown by the following roll call vote, a majority of those

1 elected to the House voted in the affirmative, and the Report was
2 **adopted.**
3

	YES	64	NO	00	EXCUSED	00	ABSENT	01
4								
5	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
6	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
7	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
8	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
9	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
10	Butcher	Y	Hall	Y	Marshall	-	Solano	Y
11	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
12	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
13	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
14	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
15	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
16	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
17	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
18	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
19	Curry	Y	King	Y	Penry	Y	White	Y
20	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
21							Speaker	Y
22								

23

24

25 **REPORTS OF COMMITTEES OF REFERENCE**

26 **APPROPRIATIONS**

27 After consideration on the merits, the Committee recommends the
28 following:
29

30 **HB06-1358** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33

34 Amend the Education Committee Report, dated April 27, 2006, page 7,
35 strike line 16 and substitute the following:
36

37 "FUND. FOR THE 2006-07 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL
38 APPROPRIATE AT LEAST ONE MILLION DOLLARS TO THE TRUST FUND.
39 BEGINNING IN THE 2007-08 BUDGET YEAR AND FOR EACH BUDGET";
40

41 line 18, strike "SHALL" and substitute "MAY";
42

43 line 19, strike "FOR THE 2011-12 BUDGET YEAR AND";
44

45 strike lines 20 through 22 and substitute the following:
46

47 "THE MONEYS IN THE".
48

49 Page 8, after line 21, insert the following:
50

51 "(4) AS PART OF THE BUDGET PREPARATION PROCESS FOR THE
52 2011-12 FISCAL YEAR, THE DEPARTMENT SHALL REPORT TO THE JOINT
53 BUDGET COMMITTEE CONCERNING THE LEVEL OF APPROPRIATIONS
54 NECESSARY TO CONTINUE FUNDING THE TRUST FUND AT A LEVEL
55 SUFFICIENT TO ALLOW FIVE HUNDRED FULL-TIME EQUIVALENT STUDENTS
56

1 EACH ACADEMIC YEAR TO ENROLL IN AN INSTITUTION OF HIGHER
2 EDUCATION WHILE ENROLLED IN THE FIFTH OR SUBSEQUENT YEAR OF HIGH
3 SCHOOL THROUGH LOCAL MIDDLE COLLEGE PROGRAMS."

4

5

6

7 **HB06-1402** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10

11 Amend printed bill, page 24, line 6, strike "2007," and substitute "2006,";

12

13 after line 25, insert the following:

14

15 "(3) THE STATE TREASURER MAY INVEST NET PROCEEDS IN THE
16 TYPES OF INVESTMENTS SPECIFIED IN SECTION 24-36-109, 24-36-112,
17 24-36-113, AND 24-75-601.1, AND THE TERM OF ANY BOND OR OTHER
18 INVESTMENT VEHICLE IN WHICH THE STATE TREASURER INVESTS NET
19 PROCEEDS SHALL NOT EXCEED THIRTY YEARS."

20

21 Page 29, line 26, strike "STATE." and substitute "STATE, AND THE
22 CORPORATION SHALL NOT BE SUBJECT TO TAXATION BY THE STATE OR
23 ANY POLITICAL SUBDIVISION OF THE STATE."

24

25 Page 39, after line 26, insert the following:

26

27 **"SECTION 11. Appropriation - adjustments to the 2006 long**
28 **bill.** (1) For the implementation of this act, appropriations made in the
29 annual general appropriation act for the fiscal year beginning July 1,
30 2006, shall be adjusted as follows:

31

32 (a) The appropriation to the department of the treasury, special
33 purpose, for fire and police pension association - old hire plans, is
34 decreased by thirty-four million seven hundred seventy-four thousand
35 one hundred forty-one dollars (\$34,774,141). Said sum shall be from the
36 general fund exempt account created in section 24-77-103.6 (2),
37 Colorado Revised Statutes.

38

39 (b) The appropriation to the department of education, assistance
40 to public schools, grant programs and other distributions, for the state
41 public school fund, school capital construction expenditures reserve, is
42 decreased by fourteen million eight hundred forty-one thousand nine
43 hundred fifty-seven dollars (\$14,841,957). Of said sum, seven million
44 five hundred thousand dollars (\$7,500,000) shall be from the general
45 fund, and seven million three hundred forty-one thousand nine hundred
46 fifty-seven dollars (\$7,341,957) shall be cash funds exempt from the
47 school capital construction expenditures reserve established in section
48 22-54-117 (1.5), Colorado Revised Statutes.

49

50 (c) The appropriation to the department of education, assistance
51 to public schools, grant programs and other distributions, for the school
52 construction and renovation fund, is decreased by fifteen million dollars
53 (\$15,000,000). Of said sum, seven million five hundred thousand dollars
54 (\$7,500,000) shall be from the general fund, and seven million five
55 hundred thousand dollars (\$7,500,000) shall be cash funds exempt from
56 the school construction and renovation fund established in section 22-

1 43.7-103 (1), Colorado Revised Statutes."

2

3 Renumber succeeding sections accordingly.

4

5 Page 1, line 112, strike "**FEASIBLE AND**" and substitute "**FEASIBLE,**".

6

7 Page 2, line 102, strike "**SECURITIZATION.**" and substitute

8

8 "**SECURITIZATION, AND MAKING AN APPROPRIATION THEREFOR.**".

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SB06-044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Strike the Health and Human Services Committee Report, dated April 24, 2006.

Amend reengrossed bill, page 4, line 11, strike "ALL AVAILABLE";

line 21, strike "**creation.**" and substitute "**creation - state plan amendment.**".

Page 5, line 12, strike "(a)";

strike lines 15 through 19 and substitute the following:

"APPROPRIATED AS FOLLOWS:

(a) OF THE MONEYS APPROPRIATED PURSUANT TO";

line 20, strike the first "OF";

after line 23, insert the following:

(b) (I) FOR FISCAL YEAR 2006-07, NINETY PERCENT OF THE MONEYS REMAINING AFTER THE APPROPRIATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE APPROPRIATED TO COMMUNITY HEALTH CLINICS TO PROVIDE PRIMARY CARE SERVICES TO LOW-INCOME ADULTS PURSUANT TO THIS ARTICLE.

(II) FOR FISCAL YEAR 2006-07, TEN PERCENT OF THE MONEYS REMAINING AFTER THE APPROPRIATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE APPROPRIATED TO PRIMARY CARE CLINICS OPERATED BY A LICENSED OR CERTIFIED HEALTH CARE FACILITY TO PROVIDE PRIMARY CARE SERVICES TO LOW-INCOME ADULTS PURSUANT TO THIS ARTICLE.

(III) FOR FISCAL YEAR 2007-08 AND EACH OF THE TWO FISCAL YEARS THEREAFTER, THE ALLOCATION OF THE MONEYS REMAINING AFTER THE APPROPRIATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE DETERMINED BASED ON PRIOR UTILIZATION AS SPECIFIED IN RULE BY THE MEDICAL SERVICES BOARD.

(3) THE STATE DEPARTMENT SHALL SUBMIT A STATE PLAN AMENDMENT FOR FEDERAL FINANCIAL PARTICIPATION FOR MONEYS

1 APPROPRIATED TO PRIMARY CARE CLINICS OPERATED BY A LICENSED OR
2 CERTIFIED HEALTH CARE FACILITY. UPON APPROVAL OF THE STATE PLAN
3 AMENDMENT, THE STATE DEPARTMENT IS AUTHORIZED TO RECEIVE AND
4 EXPEND ALL AVAILABLE FEDERAL MONEYS WITHOUT A CORRESPONDING
5 REDUCTION IN CASH FUNDS EXEMPT SPENDING AUTHORITY FROM THE
6 FUND.";

7

8 strike lines 24 through 27, and insert the following:

9

10 "SECTION 5. Part V (4) and the affected totals of section 2 of
11 chapter 354, Session Laws of Colorado 2005, as amended by section 1
12 of House Bill 06-1217 and section 6 of House Bill 06-1385, enacted at
13 the Second Regular Session of the Sixty-fifth General Assembly, are
14 amended to read:

15

16 Section 2. **Appropriation.**

17

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART V						
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING						
(4) INDIGENT CARE PROGRAM						
Safety Net Provider Payments ⁴³	281,007,750	9,432,484(M)		131,071,391 ^a		140,503,875
The Children's Hospital, Clinic Based Indigent Care	36,244,576	18,122,288(M)				18,122,288
	6,119,760	3,059,880(M)				3,059,880
	5,452,134	2,726,067(M)				2,726,067
Pediatric Speciality Hospital	23,342,785	2,255,000		160,256 ^b	20,927,529 ^c	
H.B. 97-1304 Children's Basic Health Plan Trust	4,181,207				1,947,089 ^d	2,234,118
Children's Basic Health Plan Administration	77,006,123				27,056,309 ^d	49,949,814
Children's Basic Health Plan Premium Costs ⁴⁴	6,218,783				2,176,574 ^d	4,042,209
Children's Basic Health Plan Dental Benefit Costs	2,615,941				2,615,941 ^e	
Comprehensive Primary and Preventive Care Fund	2,615,941				2,615,941 ^f	
Comprehensive Primary and Preventive Care Grants Program	<u>2,615,941</u>					
	438,685,240					
	408,560,424					

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<p>^a This amount represents public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid Major Teaching Hospital Program, Medicaid, and the Medicaid Disproportionate Share Payments to Hospitals Program.</p> <p>^b This amount shall be from annual premiums paid by participating families.</p> <p>^c This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104.5 (1) (c), C.R.S.</p> <p>^d These amounts shall be from the Children's Basic Health Plan Trust created in Section 26-19-105, C.R.S.</p> <p>^e This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104.5 (1) (b), C.R.S.</p> <p>^f This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 26-4-1007, C.R.S., pursuant to Section 24-75-1104.5 (1) (b), C.R.S.</p>						
TOTALS PART V						
(HEALTH CARE POLICY AND FINANCING)^{4,5}						
	\$3,218,624,823	\$1,096,833,419	\$261,300,000	\$655,697	\$288,981,272 ^a	\$1,570,854,435
	\$3,188,500,007	\$1,081,771,011				\$1,555,792,027

^a Of this amount, \$35,506,280 contains an (T) notation, and \$551,894 contains a (L) notation.

1 **SECTION 6. Appropriation.** In addition to any other
2 appropriation, for the fiscal year beginning July 1, 2005, there is hereby
3 appropriated, out of any moneys in the general fund not otherwise
4 appropriated, to the department of health care policy and financing, for
5 the Colorado health care services fund, created in section 26-14-114 (1)
6 (a), Colorado Revised Statutes, the sum of fifteen million sixty-two
7 thousand four hundred eight dollars (\$15,062,408).
8

9 **SECTION 7. Appropriation** (1) In addition to any other
10 appropriation, there is hereby appropriated, to the department of health
11 care policy and financing, division of indigent care, for the health care
12 services fund program, for the fiscal year beginning July 1, 2006, the sum
13 of fifteen million sixty-two thousand four hundred eight dollars
14 (\$15,062,408), or so much thereof as may be necessary, for the
15 implementation of this act. Said sum shall be from the health care
16 services fund created in section 26-15-114 (1), Colorado Revised
17 Statutes. In addition, said sum shall be allocated pursuant to the formula
18 in section 26-15-114 (2), Colorado Revised Statutes."
19

20 Strike page 6.
21

22 Page 7, strike line 1 through 4.
23

24 Renumber succeeding section accordingly.
25
26
27

28 **SB06-046** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:
31

32 Amend reengrossed bill, page 7, line 9, strike "ON OR BEFORE JULY 1,
33 2006, THE COMMITTEE SHALL MEET";
34

35 strike line 10, and substitute "FOR THE FISCAL YEAR BEGINNING JULY 1,
36 2006, AND CONTINUING EACH FISCAL YEAR".
37

38 Page 14, line 13, strike "(1) In addition to any other";
39

40 strike lines 14 through 18;
41

42 line 19, strike "(2)".
43
44
45

46 **SB06-064** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:
49

50 Amend reengrossed bill, page 5, line 27, after the period, add
51 "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO
52 INSTITUTION OF HIGHER EDUCATION SHALL BE REQUIRED TO COMPLY WITH
53 THE REQUIREMENTS OF THIS SECTION PRIOR TO THE COMMENCEMENT OF
54 THE 2007-08 STATE FISCAL YEAR."
55

56 Page 14, after line 11, insert the following:

1 "(6) FOR PURPOSES OF THIS SECTION, "GOVERNMENTAL BODY"
2 SHALL HAVE THE SAME MEANING AS SPECIFIED IN SECTION 24-101-301
3 (10); EXCEPT THAT, FOR PURPOSES OF THIS SECTION, GOVERNMENTAL
4 BODY SHALL ALSO INCLUDE ELECTED OFFICIALS, THE GOVERNING BOARD
5 OF EACH INSTITUTION OF HIGHER EDUCATION, AND THE COLORADO
6 COMMISSION ON HIGHER EDUCATION. NOTWITHSTANDING ANY OTHER
7 PROVISION OF THIS SECTION, NO INSTITUTION OF HIGHER EDUCATION
8 SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS
9 SECTION PRIOR TO THE COMMENCEMENT OF THE 2007-08 STATE FISCAL
10 YEAR."

11

12 Page 16, line 19, after the period, add "NOTWITHSTANDING ANY OTHER
13 PROVISION OF THIS SECTION, NO INSTITUTION OF HIGHER EDUCATION
14 SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS
15 SECTION PRIOR TO THE COMMENCEMENT OF THE 2007-08 STATE FISCAL
16 YEAR."

17 Page 16, strike lines 22 through 27, and substitute the following:

18

19 "**SECTION 6. Appropriation.** (1) In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the
21 general fund not otherwise appropriated, to the department of agriculture,
22 for the fiscal year beginning July 1, 2006, the sum of eleven thousand
23 three hundred fourteen dollars (\$11,314) and 0.3 FTE, or so much thereof
24 as may be necessary, for the implementation of this act.

25

26 (2) In addition to any other appropriation, there is hereby
27 appropriated, out of any moneys in the general fund not otherwise
28 appropriated, to the department of corrections, for the fiscal year
29 beginning July 1, 2006, the sum of two hundred thirty thousand seven
30 hundred three dollars (\$230,703) and 4.0 FTE, or so much thereof as may
31 be necessary, for the implementation of this act.

32

33 (3) In addition to any other appropriation, there is hereby
34 appropriated, out of any moneys in the general fund not otherwise
35 appropriated, to the department of education, for the fiscal year beginning
36 July 1, 2006, the sum of twenty-four thousand seven hundred eighty
37 dollars (\$24,780) and 0.5 FTE, or so much thereof as may be necessary,
38 for the implementation of this act.

39

40 (4) In addition to any other appropriation, there is hereby
41 appropriated, out of any moneys in the general fund not otherwise
42 appropriated, to the department of health care policy and financing, for
43 the fiscal year beginning July 1, 2006, the sum of twenty-four thousand
44 thirty eight dollars (\$24,038) and 0.5 FTE, or so much thereof as may be
45 necessary, for the implementation of this act. The general assembly
46 anticipates that, for the fiscal year beginning July 1, 2006, the department
47 of health care policy and financing will receive the sum of twenty-four
48 thousand thirty eight dollars (\$24,038) and 0.5 FTE for the
49 implementation of this act. Although these funds are not appropriated in
50 this act, they are noted for the purpose of indicating the assumptions used
51 relative to these funds.

52

53 (5) In addition to any other appropriation, there is hereby
54 appropriated, out of any moneys in the general fund not otherwise
55 appropriated, to the department of human services, for the fiscal year
56 beginning July 1, 2006, the sum of ninety-six thousand one hundred fifty-

1 two dollars (\$96,152) and 2.0 FTE, or so much thereof as may be
2 necessary, for the implementation of this act.

3
4 (6) In addition to any other appropriation, there is hereby
5 appropriated to the department of labor and employment, for the fiscal
6 year beginning July 1, 2006, the sum of fifty-seven thousand six hundred
7 seventy-six dollars (\$57,676) and 1.0 FTE, or so much thereof as may be
8 necessary, for the implementation of this act. Of said sum, fourteen
9 thousand four hundred nineteen dollars (\$14,419) shall be from the
10 workers' compensation cash fund created in section 8-44-112, Colorado
11 Revised Statutes, and fourteen thousand four hundred nineteen dollars
12 (\$14,419) shall be from the employment support fund created in section
13 8-77-109, Colorado Revised Statutes. The general assembly anticipates
14 that, for the fiscal year beginning July 1, 2006, the department of labor
15 and employment will receive the sum of twenty-eight thousand eight
16 hundred thirty-eight dollars (\$28,838) for the implementation of this act.
17 Although these funds are not appropriated in this act, they are noted for
18 the purpose of indicating the assumptions used relative to these funds.

19
20 (7) In addition to any other appropriation, there is hereby
21 appropriated, out of any moneys in the general fund not otherwise
22 appropriated, to the department of military and veterans affairs, for the
23 fiscal year beginning July 1, 2006, the sum of nineteen thousand seven
24 hundred twelve dollars (\$19,712) and 0.4 FTE, or so much thereof as may
25 be necessary, for the implementation of this act.

26
27 (8) In addition to any other appropriation, there is hereby
28 appropriated, out of any moneys in the general fund not otherwise
29 appropriated, to the department of natural resources, for the fiscal year
30 beginning July 1, 2006, the sum of forty-seven thousand ninety-two
31 dollars (\$47,092) and 1.0 FTE, or so much thereof as may be necessary,
32 for the implementation of this act.

33
34 (9) In addition to any other appropriation, there is hereby
35 appropriated, out of any moneys in the general fund not otherwise
36 appropriated, to the department of personnel and administration, for
37 allocation to the division of information technology, for the fiscal year
38 beginning July 1, 2006, the sum of four hundred twenty-five thousand
39 two hundred fifty-five dollars (\$425,255) and 2.0 FTE, or so much
40 thereof as may be necessary, for the implementation of this act.

41
42 (10) In addition to any other appropriation, there is hereby
43 appropriated, out of any moneys in the general fund not otherwise
44 appropriated, to the department of public health and environment, for the
45 fiscal year beginning July 1, 2006, the sum of fifty-seven thousand six
46 hundred seventy-six dollars (\$57,676) and 1.0 FTE, or so much thereof
47 as may be necessary, for the implementation of this act.

48
49 (11) In addition to any other appropriation, there is hereby
50 appropriated, out of any moneys in the general fund not otherwise
51 appropriated, to the department of public safety, for the fiscal year
52 beginning July 1, 2006, the sum of twenty-three thousand seventy dollars
53 (\$23,070) and 0.4 FTE, or so much thereof as may be necessary, for the
54 implementation of this act.

55
56 (12) In addition to any other appropriation, there is hereby

1 appropriated, out of any moneys in the general fund not otherwise
2 appropriated, to the department of revenue, for the fiscal year beginning
3 July 1, 2006, the sum of twenty-four thousand thirty-eight dollars
4 (\$24,038) and 0.5 FTE, or so much thereof as may be necessary, for the
5 implementation of this act.

6
7 (13) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the department of state cash fund
9 created in section 24-21-104 (3) (b), Colorado Revised Statutes, not
10 otherwise appropriated, to the department of state, for the fiscal year
11 beginning July 1, 2006, the sum of four thousand eight hundred eight
12 dollars (\$4,808) and 0.1 FTE, or so much thereof as may be necessary, for
13 the implementation of this act.

14
15 (14) In addition to any other appropriation, there is hereby
16 appropriated, out of any moneys in the state highway fund created in
17 section 43-1-219, Colorado Revised Statutes, not otherwise appropriated,
18 to the department of transportation, for the fiscal year beginning July 1,
19 2006, the sum of forty-two thousand twenty-three dollars (\$42,023) and
20 1.0 FTE, or so much thereof as may be necessary, for the implementation
21 of this act. This amount shall be cash funds exempt from the department
22 of transportation's share of the highway users tax fund."

23
24 Strike pages 17 and 18.

25
26 Page 19, strike line 1.

27
28
29
30 **SB06-208** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33
34 Amend the Health and Human Services Committee Report, dated April
35 10, 2006, page 6, line 3, strike "TRANSFERRED" and substitute
36 "APPROPRIATED";

37
38 strike lines 10 through 18 and substitute the following:

39
40 "(b) ON JUNE 30, 2006, ONE HUNDRED THOUSAND DOLLARS FROM
41 THE GENERAL FUND SHALL BE APPROPRIATED TO AND BECOME PART OF
42 THE HEALTH CARE REFORM CASH FUND. SUCH GENERAL FUND
43 APPROPRIATION SHALL BE FROM MONEYS MADE AVAILABLE BY REDUCING
44 THE FISCAL YEAR 2005-06 GENERAL FUND APPROPRIATION TO THE
45 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, INDIGENT CARE
46 PROGRAM IN THE CHILDREN'S HOSPITAL, CLINIC BASED INDIGENT CARE.
47 ON JULY 1, 2006, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIFTY
48 THOUSAND DOLLARS FROM THE CASH FUND TO THE COMMISSION. AFTER
49 THE COMMISSION HAS CERTIFIED TO THE STATE CONTROLLER THAT THE
50 COMMISSION HAS RECEIVED AT LEAST FIFTY THOUSAND DOLLARS FROM
51 GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF CARRYING OUT THE
52 PROVISIONS OF THIS SECTION, AN ADDITIONAL FIFTY THOUSAND DOLLARS
53 SHALL BE APPROPRIATED TO THE COMMISSION.";

54
55
56 after line 29, insert the following:

1 **"SECTION 3.** Part V (4) and the affected totals of section 2 of
2 chapter 354, Session Laws of Colorado 2005, as amended by section 1 of
3 House Bill 06-1217 and section 6 of House Bill 06-1385, enacted at the
4 Second Regular Session of the Sixty-fifth General Assembly, are
5 amended to read:

6

7

Section 2. **Appropriation.**

8

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART V						
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING						
1						
2						
3						
4	281,007,750	9,432,484(M)		131,071,391 ^a		140,503,875
5						
6	36,244,576	18,122,288(M)				18,122,288
7	36,044,576	18,022,288(M)				18,022,288
8	5,452,134	2,726,067(M)				2,726,067
9						
10	23,342,785	2,255,000		160,256 ^b	20,927,529 ^c	
11						
12	4,181,207				1,947,089 ^d	2,234,118
13						
14	77,006,123				27,056,309 ^d	49,949,814
15						
16	6,218,783				2,176,574 ^d	4,042,209
17						
18	2,615,941				2,615,941 ^e	
19						
20	2,615,941				2,615,941 ^f	
21						
22						
	438,685,240					
	438,485,240					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL \$	GENERAL FUND \$	GENERAL FUND EXEMPT \$	CASH FUNDS \$	CASH FUNDS EXEMPT \$	FEDERAL FUNDS \$
	\$	\$	\$	\$	\$	\$
	\$3,218,624,823	\$1,096,833,419	\$261,300,000	\$655,697	\$288,981,272 ^a	\$1,570,854,435
	\$3,218,424,823	\$1,096,733,419				\$1,570,754,435

**TOTALS PART V
(HEALTH CARE POLICY AND
FINANCING)^{4,5}**

^a Of this amount, \$35,506,280 contains an (T) notation, and \$551,894 contains a (L) notation.

1 ^a This amount represents public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid
2 Major Teaching Hospital Program, Medicaid, and the Medicaid Disproportionate Share Payments to Hospitals Program.
3 ^b This amount shall be from annual premiums paid by participating families.
4 ^c This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104.5 (1) (c), C.R.S.
5 ^d These amounts shall be from the Children's Basic Health Plan Trust created in Section 26-19-105, C.R.S.
6 ^e This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104.5 (1) (b), C.R.S.
7 ^f This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 26-4-1007, C.R.S., pursuant to Section 24-75-1104.5 (1) (b), C.R.S.
8

1 **SECTION 4. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, out of moneys in the general
3 fund, not otherwise appropriated, to the department of regulatory
4 agencies, division of insurance, to the health care reform cash fund,
5 created in section 10-16-131 (5) (a), Colorado Revised Statutes, for the
6 fiscal year beginning July 1, 2005, the sum of one hundred thousand
7 dollars (\$100,000).

8
9 **SECTION 5. Appropriation.** In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 health care reform cash fund, created in section 10-16-131 (5) (a),
12 Colorado Revised Statutes, not otherwise appropriated, to the department
13 of regulatory agencies, division of insurance, for the fiscal year beginning
14 July 1, 2006, the sum of fifty thousand dollars (\$50,000), or so much
15 thereof as may be necessary, for the implementation of this act. This
16 appropriation shall be used for the expenses of blue ribbon commission
17 for health care reform created in section 10-16-131, Colorado Revised
18 Statutes.

19
20 **SECTION 6. Appropriation.** In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 health care reform cash fund, created in section 10-16-131 (5) (a),
23 Colorado Revised Statutes, not otherwise appropriated, to the department
24 of regulatory agencies, division of insurance, for the fiscal year beginning
25 July 1, 2006, the sum of one hundred thousand dollars (\$100,000), or so
26 much thereof as may be necessary, for the implementation of this act.
27 This appropriation shall be used for the expenses of blue ribbon
28 commission for health care reform created in section 10-16-131, Colorado
29 Revised Statutes.

30
31 **SECTION 7. Effective date.** This act shall take effect upon
32 passage, except that section 6 of this act shall only take effect if the blue
33 ribbon commission for health care reform, created in Section 10-16-131,
34 Colorado Revised Statutes, certifies in writing to the state controller that
35 the commission has received at fifty thousand dollars (\$50,000) in gifts,
36 grants, and donations for the purposes of this act. Subsequent to said
37 receipt, the state controller shall notify the joint budget committee in
38 writing that the state controller has received the said certification from the
39 commission."

40
41 Renumber succeeding section accordingly.

42
43
44
45
46 **EDUCATION**

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

49
50 **SB06-031** be referred favorably to the Committee on Finance.

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PRINTING REPORT

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The Chief Clerk reports the following bills have been correctly printed:
HB06-1411, 1412.

MESSAGE FROM THE SENATE

In response to a request from the House for a Conference Committee on HB06-1090, the President appointed Senators Tupa, Chair, Fitz-Gerald and Mitchell as members of the First Conference Committee on HB06-1090. The Senate granted permission to members of the First Conference Committee on HB06-1090 to consider matters not at issue between the two houses.

The Senate has adopted and transmits herewith: SJR06-041, SJR06-019, and SJR06-39.

On motion of Representative Madden, **HB06-1100, 1403, SB06-022, 061, 065, 073, 208, 036, 106, 059, 110** were added to the Special Orders Calendar on Monday, May 1, 2006.

On motion of Representative Paccione, the House resolved itself into Committee of the Whole for consideration of Special Orders and she was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

HB06-1100 by Representative(s) Frangas; also Senator(s) Sandoval--
Concerning lowering the cost of prescription drugs.

Amendment No. 1, Health & Human Services Report, dated April 26, 2006, and placed in member's bill file; Report also printed in House Journal, April 27, pages 1491-1499.

Amendment No. 2, Finance Report, dated April 28, 2006, and placed in member's bill file; Report also printed in House Journal, April 28, pages 1553-1555.

Amendment No. 3, Appropriations Report, dated May 1, 2006, and placed in member's bill file; Report also printed in House Journal, May 1, page 1572.

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

1 **SB06-036** by Senator(s) Hagedorn; also Representative(s) Marshall--
2 Concerning the types of health benefit plans required to be
3 offered by small employer carriers to small employers in the
4 state.

5
6 Amendment No. 1, Business Affairs and Labor Report, dated April 3,
7 2006, and placed in member's bill file; Report also printed in House
8 Journal, April 4, pages 1045-1046.

9
10 Amendment No. 2, by Representative Marshall.

11
12 Amend the Business Affairs and Labor Committee Report, dated April 3,
13 2006, page 1, strike line 1 and substitute the following:

14
15 "Amend reengrossed bill, page 3, line 17, strike "A" and substitute "THE
16 FOLLOWING";

17
18 line 18 of the bill, strike "SUBSECTION," and substitute
19 "SUBSECTIONS,".

20
21 Page 4 of the bill, strike lines 10 through 26 and substitute";

22
23 line 21 of the committee report, strike "amount." and substitute "amount;
24 or".

25
26 Page 2 of the committee report, strike line 1;

27
28 line 12 of the committee report, strike "amount." and substitute
29 "amount.".";

30
31 strike lines 13 through 31 of the committee report and substitute the
32 following:

33
34 "Page 5 of the bill, strike lines 1 through 18 and substitute the following:

35
36 "(7.8) IN ADDITION TO THE BASIC AND STANDARD HEALTH BENEFIT
37 PLANS REQUIRED TO BE OFFERED PURSUANT TO SUBSECTION (7.2) OF THIS
38 SECTION, THE COMMISSIONER SHALL ADOPT AND, NO MORE FREQUENTLY
39 THAN ONCE EVERY TWO YEARS, AMEND RULES TO IMPLEMENT A MEDICAL
40 EVIDENCE-BASED HEALTH BENEFIT PLAN THAT SMALL EMPLOYER
41 CARRIERS MAY OFFER TO SMALL EMPLOYERS IN THIS STATE. THE MEDICAL
42 EVIDENCE-BASED HEALTH BENEFIT PLAN SHALL BE IMPLEMENTED ON OR
43 AFTER JANUARY 1, 2008, AND SHALL BE A PLAN THAT:

44
45 (a) DOES NOT INCLUDE COVERAGE PURSUANT TO THE MANDATORY
46 COVERAGE PROVISIONS OF SECTION 10-16-104 (5), (8), (9), (10), AND (12);

47
48 (b) IS A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A
49 HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223;

50
51 (c) COVERS LIMITED PREVENTION AND SCREENING BASED ON THE
52 LATEST MEDICAL EVIDENCE EMBODIED IN RECOMMENDATIONS OF AN
53 INDEPENDENT PANEL OF EXPERTS IN PRIMARY CARE AND PREVENTION
54 THAT SYSTEMATICALLY REVIEWS THE EVIDENCE OF EFFECTIVENESS AND
55 DEVELOPS RECOMMENDATIONS FOR CLINICAL PREVENTIVE SERVICES;
56 EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR

1 MANDATORY HEALTH BENEFITS FOR MAMMOGRAPHY, CHILD SUPERVISION
 2 SERVICES, OR PROSTHETIC DEVICES PURSUANT TO SECTION 10-16-104 (4),
 3 (11), AND (14) IF SUCH MANDATORY BENEFITS ARE NOT CONSIDERED BY
 4 THE FEDERAL DEPARTMENT OF TREASURY TO BE PREVENTIVE OR TO HAVE
 5 AN ACCEPTABLE DEDUCTIBLE AMOUNT;

6
 7 (d) INCLUDES A PRESCRIPTION CARD OPTION COVERING GENERIC
 8 PHARMACEUTICALS ONLY;

9
 10 (e) COVERS LIMITED ELECTIVE INPATIENT AND SURGICAL CARE;

11
 12 (f) COVERS LIMITED MEDICATIONS USED PRIMARILY FOR
 13 COST-EFFECTIVE CHRONIC DISEASE MANAGEMENT; AND

14
 15 (g) COVERS MATERNITY CARE.";"

16
 17 Page 3 of the committee report, line 2, strike "BASIC" and substitute
 18 "MEDICAL EVIDENCE-BASED";

19
 20 line 3 of the committee report, strike "SUBPARAGRAPH (IV) OF
 21 PARAGRAPH (b) OF SUBSECTION (7.2)" and substitute "SUBSECTION (7.8)";

22
 23 strike line 7 of the committee report and substitute the following:

24 ""(7.2) (b) ~~(f)~~ OR THAT DOES NOT INCLUDE COVERAGE FOR BENEFITS
 25 PURSUANT TO SUBSECTIONS (5), (8), (9), (10), AND (12) OF THIS SECTION
 26 THROUGH A MEDICAL EVIDENCE-BASED HEALTH BENEFIT PLAN
 27 AUTHORIZED IN SECTION 10-16-105 (7.8).";

28
 29 line 9 of the committee report, strike "(7.2) (b) (IV)," and substitute
 30 "(7.8).";

31
 32 Amendment No. 3, by Representative Marshall.

33
 34 Amend reengrossed bill, page 7, after line 13, insert the following:

35
 36 **"SECTION 5.** 10-16-107.2 (2) (b) (I), Colorado Revised Statutes,
 37 is amended to read:

38
 39 **10-16-107.2. Filing of health policies.** (2) (b) (I) The
 40 commissioner shall develop a uniform employee application form for
 41 health ~~coverage~~ BENEFIT PLANS and shall require all small group sickness
 42 and accident insurers, health maintenance organizations, nonprofit
 43 hospital and health service corporations, and other entities providing
 44 small group health care coverage authorized by the commissioner to
 45 conduct business in Colorado to exclusively use such uniform employee
 46 application form for the conduct of business in this state. On and after
 47 January 1, 2007, all small group sickness and accident insurers, health
 48 maintenance organizations, nonprofit hospital and health service
 49 corporations, and other entities that provide small group health care
 50 coverage shall use the uniform employee application form for small group
 51 sickness and accident health ~~coverage~~ BENEFIT PLANS."

52
 53 Renumber succeeding sections accordingly.

54
 55 As amended, ordered revised and placed on the Calendar for Third
 56 Reading and Final Passage.

1 **HB06-1403** by Representative(s) Kerr A.; also Senator(s) Boyd--
2 Concerning incentives for a school district to realign
3 public education within the school district.
4

5 Amendment No. 1, Education Report, dated April 27, 2006, and placed
6 in member's bill file; Report also printed in House Journal, April 28,
7 pages 1524-1526.
8

9 Amendment No. 2, Appropriations Report, dated May 1, 2006, and placed
10 in member's bill file; Report also printed in House Journal, May 1, page
11 1573.
12

13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.
15

16 **SB06-022** by Senator(s) Kester, Traylor, Williams; also
17 Representative(s) Penry--Concerning sexually violent
18 predators, and making an appropriation in connection
19 therewith.
20

21 Ordered revised and placed on the Calendar for Third Reading and Final
22 Passage.
23

24 **SB06-208** by Senator(s) Hanna, Shaffer; also Representative(s)
25 McGihon--Concerning the creation of the health care reform
26 committee for the purpose of studying health care reform
27 issues, and making an appropriation therefor.
28

29 Amendment No. 1, Health and Human Services Report, dated April 10,
30 2006, and placed in member's bill file; Report also printed in House
31 Journal, April 11, pages 1130-1134.
32

33 Amendment No. 2, Appropriations Report, dated May 1, 2006, and placed
34 in member's bill file; Report also printed in House Journal, May 1, pages
35 1586-1590.
36

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

40 **SB06-061** by Senator(s) Keller; also Representative(s) Larson--
41 Concerning providing interpretation in legal situations for
42 persons with hearing loss, and making an appropriation in
43 connection therewith.
44

45 Amendment No. 1, Judiciary Report, dated April 25, 2006, and placed in
46 member's bill file; Report also printed in House Journal, April 26, page
47 1460.
48

49 Amendment No. 2, Appropriations Report, dated April 28, 2006, and
50 placed in member's bill file; Report also printed in House Journal, April
51 28, page 1511.
52

53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.
55

1 **SB06-073** by Senator(s) Tapia; also Representative(s) Merrifield--
2 Concerning the age specifications relating to compulsory
3 school attendance.
4

5 (Previously amended as printed in House Journal, April 20, pages
6 1348-1349.)
7

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

11
12 A motion by Representative Madden that the Committee rise, report
13 progress and beg leave to sit again at 1:30 p.m., was adopted by
14 unanimous consent. (Continued on page 1596.)
15

16
17 House reconvened.
18

19 The Committee of the Whole reported it had risen, reported progress and
20 would sit again at 1:30 p.m.
21

22
23 On motion of Representative Madden, **HB06-1358, 1402** were added to
24 the Special Orders Calendar on Monday, May 1, 2006.
25

26 27 28 MESSAGE FROM THE SENATE 29

30 The Senate has passed on Third Reading and transmitted to the Revisor
31 of Statutes:
32

33 SB06-237 amended as printed in Senate Journal, April 28, 2006,
34 page 1099,

35 SB06-228 amended as printed in Senate Journal, April 28, 2006,
36 pages 1099-1100,

37 SB06-234 amended as printed in Senate Journal, April 28, 2006,
38 page 1100,

39 SB06-236 amended as printed in Senate Journal, April 28, 2006,
40 page 1100,

41 SB06-214 amended as printed in Senate Journal, April 28, 2006,
42 page 1100,

43 SB06-219 amended as printed in Senate Journal, April 28, 2006,
44 page 1100,

45 SB06-230 amended as printed in Senate Journal, April 28, 2006,
46 pages 1100-1102,

47 SB06-227 amended as printed in Senate Journal, April 28, 2006,
48 pages 1102 and 1103,

49 SB06-222 amended as printed in Senate Journal, April 28, 2006,
50 page 1102, and on Third Reading, May 1, 2006, as printed in
51 the Senate Journal,

52 SB06-229 amended as printed in Senate Journal, April 29, 2006,
53 page 1102.
54
55

MESSAGE FROM THE REVISOR1
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We herewith transmit:

Without comment, as amended, SB06-237, 228, 234, 236, 214, 230, 227, 222, 229.

With comment, SB06-219.

INTRODUCTION OF BILLS**First Reading**

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

SB06-219 by Senator(s) Keller; also Representative(s) Jahn--
Concerning an administrative reorganization of programs administered by the state department of health care policy and financing, and making an appropriation therefor.

Committee on Health and Human Services

SB06-227 by Senator(s) Tochtrop; also Representative(s) Solano, Frangas, Madden, Marshall, Pommer--Concerning reporting requirements regarding the payment of health care costs, and making an appropriation therefor.

Committee on Health and Human Services

Committee on Appropriations

SB06-230 by Senator(s) Boyd; also Representative(s) Benefield--
Concerning the regulation of wholesalers of prescription drugs, and making an appropriation therefor.

Committee on Health and Human Services

Committee on Appropriations

House in recess. House reconvened.

On motion of Representative Paccione, the House resolved itself into Committee of the Whole for continuation of consideration of Special Orders, and she returned to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

(Continued from page 1595)

SB06-106 by Senator(s) Grossman, Groff, Veiga; also Representative(s) McGihon, Carroll T., Hefley, King, Marshall--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Amendment No. 1, Legal Services Report, dated April 26, 2006, and placed in member's bill file; Report also printed in House Journal, April 26, page 1470.

1 Amendment No. 2, by Representative Pommer.

2

3 Amend reengrossed bill, page 11, after line 2, insert the following:

4 "(4) The following rule of the state board of education, of the
5 department of education, concerning the administration of the public
6 school finance act of 1994 (1 CCR 301-39), which rule was adopted on
7 or after November 1, 2002, and before November 1, 2003, is repealed:
8 Rule 2254-R-5.18, concerning Fifth-year programs."

9

10 Renumber succeeding subsection accordingly.

11

12 As amended, ordered revised and placed on the Calendar for Third
13 Reading and Final Passage.

14

15 **SB06-059** by Senator(s) Tapia, Hanna; also Representative(s)
16 Frangas, Marshall, McGihon--Concerning children's
17 dental programs, and making an appropriation therefor.

18

19 Amendment No. 1, Health and Human Services Report, dated April 24,
20 2006, and placed in member's bill file; Report also printed in House
21 Journal, April 25, page 1454.

22

23 Amendment No. 2, Appropriations Report, dated April 27, 2006, and
24 placed in member's bill file; Report also printed in House Journal, April
25 27, page 1489.

26

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

29

30 **SB06-110** by Senator(s) Wiens; also Representative(s) May M.--
31 Concerning the creation of fraudulent documents for the
32 purpose of unlawfully establishing legal status, and
33 making an appropriation therefor.

34

35 Amendment No. 1, Appropriations Report, dated April 27, 2006, and
36 placed in member's bill file; Report also printed in House Journal, April
37 27, page 1489.

38

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

41

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

46

47 Amendment No. 1, Education Report, dated April 27, 2006, and placed
48 in member's bill file; Report also printed in House Journal, April 28,
49 pages 1518-1524.

50

51 Amendment No. 1, Appropriations Report, dated May 1, 2006, and placed
52 in member's bill file; Report also printed in House Journal, May 1,
53 pages 1577-1578.

54

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

1 **HB06-1402** by Representative(s) Penry, Plant, Hall, Lundberg,
2 Gardner, Berens, Buescher, May M.--Concerning the
3 securitization of a portion of the right of the state to
4 receive tobacco litigation settlement payments in an
5 amount that allows the state to continue to fund tobacco
6 programs with unsecuritized payments at the levels
7 specified under current law in order to reduce future state
8 budget volatility by paying in full outstanding obligations
9 of the state that would otherwise be paid over multiple
10 fiscal years while providing initial funding for a new
11 budget stabilization fund, and, in connection therewith,
12 creating a tobacco litigation settlement financing
13 corporation to make securitization feasible and specifying
14 the allocation of the net proceeds of securitization.
15

16 Amendment No. 1, Finance Report, dated April 21, 2006, and placed in
17 member's bill file; Report also printed in House Journal, April 21,
18 page 1420.
19

20 Amendment No. 2, Appropriations Report, dated May 1, 2006, and placed
21 in member's bill file; Report also printed in House Journal, May 1,
22 pages 1578-1579.
23

24 Amendment No. 3, by Representative Weissmann.
25 Amend the Finance Committee Report, dated April 21, 2006, page 1,
26 strike line 1 and substitute the following:
27

28 "Amend printed bill, page 10, line 6, strike "FIVE" and substitute "NINE";
29
30 strike line 13,
31
32 line 14, strike "DIRECTOR." and substitute "DIRECTOR";
33

34 (VI) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
35

36 (VII) THE PRESIDENT OF THE SENATE; AND
37

38 (VIII) THE MINORITY LEADERS OF THE HOUSE OF
39 REPRESENTATIVES AND THE SENATE.";
40

41 line 15, after "EACH", insert "EXECUTIVE";
42

43 line 17, after "EACH", insert "LEGISLATIVE EX OFFICIO MEMBER OF THE
44 CORPORATION MAY DESIGNATE ANY PERSON TO REPRESENT THE MEMBER
45 AT MEETINGS OF THE CORPORATION. EACH".
46

47 Page 13, line 1, strike "TWO" and substitute "FIVE".
48

49 Amendment No. 4, by Representative Penry.
50 Amend printed bill, page 23, line 18, after "OR", insert "ONE HUNDRED
51 SEVENTEEN MILLION TWENTY-EIGHT THOUSAND EIGHT HUNDRED
52 EIGHTY-EIGHT DOLLARS OF NET PROCEEDS, WHICH THE GENERAL
53 ASSEMBLY HEREBY DECLARES TO BE".
54

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

1 A motion by Representative Madden that the Committee rise, report
2 progress and beg leave to sit again in two minutes was adopted by
3 unanimous consent. (Continued on page 1600.)

4
5
6 House reconvened.

7
8 The Committee of the Whole reported it had risen, reported progress and
9 would sit again in two minutes.

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

14
15 **APPROPRIATIONS**

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

18
19 **HB06-1404** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:

22
23 Amend the Transportation and Energy Committee Report, dated April 26,
24 2006, page 1, line 7, before "DISTRICT;", insert "DISTRICT AND SERVES ALL
25 PUBLIC SCHOOLS OF SUCH".

26
27 Page 2 of the committee report, after line 7, insert the following:

28
29 "Page 4, after line 20, insert the following:

30
31 **"SECTION 3. Appropriation.** In addition to any other
32 appropriation, there is hereby appropriated, out of any moneys in the
33 license plate cash fund created in section 42-3-301 (1) (b), Colorado
34 Revised Statutes, not otherwise appropriated, to the department of
35 revenue, for allocation to the motor vehicle division, for the fiscal year
36 beginning July 1, 2006, the sum of sixteen thousand eighty dollars
37 (\$16,080), or so much thereof as may be necessary, for the
38 implementation of this act.".

39
40 Renumber succeeding section accordingly.

41
42 Page 1, line 102, strike "PLATE." and substitute "PLATE, AND MAKING AN
43 APPROPRIATION THEREFOR.".

44
45
46
47 **SB06-111** be referred to the Committee of the Whole with favorable
48 recommendation.

49
50
51 **SB06-138** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend reengrossed bill, page 5, strike line 3 and substitute "one hundred
56 thousand four hundred ninety-one dollars (\$100,491) and 1.0".

1 **SB06-150** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB06-179** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 3, line 1, strike "ATTHEEND" and substitute
10 "ON OR AFTER JULY 1";
11

12 after line 27, insert the following:
13

14 **"SECTION 2. Effective date.** This act shall be effective July 1,
15 2006."
16

17 Renumber succeeding section accordingly.
18
19
20

21 **SB06-183** be referred to the Committee of the Whole with favorable
22 recommendation.
23
24

25 **SB06-207** be referred to the Committee of the Whole with favorable
26 recommendation.
27
28
29
30

31 **STATE, VETERANS, & MILITARY AFFAIRS**

32 After consideration on the merits, the Committee recommends the
33 following:
34

35 **HB06-1411** be referred to the Committee of the Whole with favorable
36 recommendation.
37
38

39
40 House in recess. House reconvened.
41
42

43
44 On motion of Representative Madden, **SCR06-001, SB06-213, 128, 206,**
45 **218, 069, HB06-1411, 1404, SB06-148** were added to the Special Orders
46 Calendar on Monday, May 1, 2006.
47
48
49

50 On motion of Representative Paccione, the House resolved itself into
51 Committee of the Whole for continuation of consideration of Special
52 Orders and she was called to the Chair to act as Chairman.
53
54
55

SPECIAL ORDERS--SECOND READING OF BILLS

(continued from page 1598)

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

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

SCR06-001 by Senator(s) Evans; also Representative(s) Gallegos-- Submitting to the registered electors of the state of Colorado an amendment to section 3.5 of article X of the constitution of the state of Colorado, concerning the extension of the existing property tax exemption for qualifying seniors to any United States military veteran who is one hundred percent permanently disabled due to a service-connected disability.

Amendment No. 1, Appropriations Report, dated April 28, 2006, and placed in member's bill file; Report also printed in House Journal, April 28, pages 1517-1518.

As amended, ordered revised and placed on the Calendar for Third Reading and Final Passage.

SB06-213 by Senator(s) Hagedorn; also Representative(s) Penry-- Concerning the requirement that health care services provided at an in-network facility be provided to the covered person at no greater cost than services provided by an in-network provider.

Amendment No. 1, Business Affairs and Labor Report, dated April 26, 2006, and placed in member's bill file; Report also printed in House Journal, April 26, pages 1469-1470.

As amended, ordered revised and placed on the Calendar for Third Reading and Final Passage.

SB06-128 by Senator(s) Owen, Evans, Gordon, Johnson, Keller, Mitchell; also Representative(s) Riesberg, Cloer, Frangas, Knoedler, Larson, Marshall--Concerning a program for services for people with disabilities under the state medical assistance program, and making an appropriation therefor.

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

SB06-206 by Senator(s) Groff, Grossman, Shaffer; also Representative(s) Green--Concerning a prohibition on the smuggling of humans into Colorado, and making an appropriation in connection therewith.

- 1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
2 April 18, 2006, and placed in member's bill file; Report also printed in
3 House Journal, April 19, pages 1338-1339.
4
- 5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.
7
- 8 **SB06-069** by Senator(s) Windels; also Representative(s) Merrifield--
9 Concerning school accountability.
10
- 11 Amendment No. 1, Education Report, dated April 27, 2006, and placed
12 in member's bill file; Report also printed in House Journal, April 28,
13 pages 1526-1527.
14
- 15 As amended, ordered revised and placed on the Calendar for Third
16 Reading and Final Passage.
17
- 18 **SB06-218** by Senator(s) Keller; also Representative(s) Coleman,
19 Larson--Concerning financial support for programs
20 benefitting disabled telephone users, and making an
21 appropriation therefor.
22
- 23 Amendment No. 1, Appropriations Report, dated April 28, 2006, and
24 placed in member's bill file; Report also printed in House Journal, April
25 28, pages 1517-1518.
26
- 27 As amended, ordered revised and placed on the Calendar for Third
28 Reading and Final Passage.
29
- 30 **SB06-148** by Senator(s) Tapia; also Representative(s) McFadyen--
31 Concerning the creation of community policing programs
32 by local law enforcement agencies, and making an
33 appropriation in connection therewith.
34
- 35 Amendment No. 1, Appropriations Report, dated April 28, 2006, and
36 placed in member's bill file; Report also printed in House Journal, April
37 28, page 1513.
38
- 39 As amended, ordered revised and placed on the Calendar for Third
40 Reading and Final Passage.
41
- 42 **HB06-1404** by Representative(s) Todd, Balmer, Benefield, Borodkin,
43 Garcia, Merrifield, Pommer, Solano--Concerning the
44 creation of a support education special license plate.
45
- 46 Amendment No. 1, Transportation Report, dated April 26, 2006, and
47 placed in member's bill file; Report also printed in House Journal,
48 April 26, page 1471.
49
- 50 Amendment No. 2, Appropriations Report, dated May 1, 2006, and placed
51 in member's bill file; Report also printed in House Journal, May 1, page
52 1599.
53
- 54 Amendment No. 3, by Representative Todd.
55 Amend the Appropriations Committee Report, dated May 1, 2006, strike
56 lines 2 and 3 and substitute the following:

1 "2006, page 1, line 7, strike "DISTRICT;" and substitute "DISTRICT, THE
2 STATE CHARTER INSTITUTE, OR A CHARTER SCHOOL;"";

3
4 Amendment No. 4, by Representative Plant.

5
6 Amend Amendment No. 3, by Representative Todd, as printed in House
7 Journal page 1603, line 2, strike "INSTITUTE, OR A CHARTER SCHOOL;"";
8 and substitute "INSTITUTE;"";

9
10 As amended, laid over until May 2, retaining place on Calendar.

11
12 **HB06-1411** by Representative(s) White and Weissmann, Paccione;
13 also Senator(s) Tochtrop--Concerning the circumstances
14 under which private property may be acquired by public
15 entities through exercise of the power of eminent domain
16 in furtherance of a public use, and, in connection
17 therewith, prohibiting private property from being taken
18 by the state or any political subdivision unless the
19 condemning entity establishes that the taking is for a
20 public use, excluding takings for economic development
21 or tax revenue enhancement from the meaning of public
22 use, and requiring that a condemnation action satisfy a
23 higher degree of proof when the taking is for the
24 eradication of blight.

25
26 Amendment No. 1, by Representative Weissmann.

27
28 Amend printed bill, page 3, after line 9, insert the following:

29
30 "(c) PRIVATE PROPERTY SHALL NOT BE TAKEN BY A PRIVATE PARTY
31 EXCEPT AS A PRIVATE WAY OF NECESSITY AS PROVIDED UNDER SECTION 14
32 OF ARTICLE II OF THE STATE CONSTITUTION, FOR A RIGHT-OF-WAY FOR A
33 DITCH, CANAL, OR FLUME AS PROVIDED UNDER SECTION 7 OF ARTICLE XVI
34 OF THE STATE CONSTITUTION, OR FOR OTHER PURPOSES AS AUTHORIZED BY
35 PARAGRAPH (b) OF THIS SUBSECTION (1).";

36
37 line 22, after "ACTION,", insert "WITHOUT THE CONSENT OF THE OWNER OF
38 THE PROPERTY,".

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

42
43 On motion of Representative Madden, the remainder of the Special
44 Orders Calendar (**SB06-224, 065**) was laid over until May 2, retaining
45 place on Calendar.

46
47
48
49 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

50
51 Representatives King and Stengel moved to amend the Report of the
52 Committee of the Whole to show that Amendment No. 2, by
53 Representative Pommer (printed in House Journal page 1597, lines 1-10)
54 to SB06-106, did not pass, and that **SB06-106**, as amended, did pass.

55
56 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	34	EXCUSED	01	ABSENT	00
1								
2	Balmer	Y	Frangas	N	Larson	Y	Pommer	N
3	Benefield	N	Gallegos	N	Lindstrom	N	Ragsdale	N
4	Berens	Y	Garcia	Y	Liston	Y	Riesberg	N
5	Borodkin	N	Gardner	Y	Lundberg	Y	Rose	Y
6	Buescher	N	Green	N	Madden	N	Schultheis	Y
7	Butcher	N	Hall	Y	Marshall	N	Solano	N
8	Cadman	Y	Harvey	Y	Massey	Y	Soper	N
9	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
10	Carroll T	N	Hodge	N	McCluskey	Y	Stengel	Y
11	Cerbo	N	Hoppe	Y	McFadyen	N	Sullivan	Y
12	Clapp	E	Jahn	N	McGihon	N	Todd	N
13	Cloer	Y	Judd	N	McKinley	N	Vigil	N
14	Coleman	N	Kerr A	N	Merrifield	N	Weissmann	N
15	Crane	Y	Kerr J	Y	Paccione	N	Welker	Y
16	Curry	N	King	Y	Penry	Y	White	Y
17	Decker	Y	Knoedler	Y	Plant	N	Witwer	Y
18							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

23 Passed Second Reading: **HB06-1100 amended, SB06-036 amended,**
 24 **HB06-1403 amended, SB06-022, 208 amended, 061 amended, 073**
 25 **amended, 106 amended, 059 amended, 110 amended, HB06-1358**
 26 **amended, 1402 amended, SCR06-001 amended, SB06-213 amended,**
 27 **128, 206 amended, 069 amended, 218 amended, 148 amended, 1411**
 28 **amended.**

30 Laid over until date indicated retaining place on Calendar: **HB06-1404**
 31 **amended, SB06-224, 065--May 2, 2006.**

33 The Chairman moved the adoption of the Committee of the Whole
 34 Report. As shown by the following roll call vote, a majority of those
 35 elected to the House voted in the affirmative, and the Report was
 36 **adopted.**

	YES	64	NO	00	EXCUSED	01	ABSENT	00
39	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
40	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
41	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
42	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
43	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
44	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
45	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
46	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
47	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
48	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
49	Clapp	E	Jahn	Y	McGihon	Y	Todd	Y
50	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
51	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
52	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
53	Curry	Y	King	Y	Penry	Y	White	Y
54	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
55							Speaker	Y

RECONSIDERATION OF HR06-1009

Having voted on the prevailing side, Representative Sullivan moved for reconsideration of the last House action (final passage, May 1, page 1577) on **HR06-1009**. As shown by the following recorded vote, less than a two-thirds majority of those elected to the House voted in the affirmative and the motion was declared **lost**.

	YES	42	NO	21	EXCUSED	01	ABSENT	01
Balmer	N		Frangas	Y	Larson	Y	Pommer	Y
Benefield	Y		Gallegos	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y		Garcia	Y	Liston	N	Riesberg	Y
Borodkin	Y		Gardner	N	Lundberg	N	Rose	N
Buescher	Y		Green	Y	Madden	Y	Schultheis	N
Butcher	Y		Hall	N	Marshall	Y	Solano	Y
Cadman	N		Harvey	N	Massey	N	Soper	Y
Carroll M	Y		Hefley	Y	May	Y	Stafford	N
Carroll T	Y		Hodge	Y	McCluskey	Y	Stengel	N
Cerbo	Y		Hoppe	N	McFadyen	Y	Sullivan	Y
Clapp	E		Jahn	Y	McGihon	Y	Todd	Y
Cloer	N		Judd	Y	McKinley	Y	Vigil	Y
Coleman	Y		Kerr A	Y	Merrifield	Y	Weissmann	Y
Crane	N		Kerr J	-	Paccione	Y	Welker	N
Curry	Y		King	N	Penry	N	White	N
Decker	N		Knoedler	N	Plant	Y	Witwer	Y
							Speaker	Y

INTRODUCTION OF BILLS
First Reading

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

SB06-214 by Senator(s) Gordon; also Representative(s) Green--
Concerning grants to conduct research on economic opportunities created by efforts to address issues related to climate change, and making an appropriation in connection therewith.

Committee on Finance
Committee on Appropriations

SB06-222 by Senator(s) Grossman; also Representative(s) Hefley--
Concerning changes to threshold loss amounts in certain crimes.

Committee on Judiciary

SB06-228 by Senator(s) Boyd, Mitchell, Fitz-Gerald, Groff; also Representative(s) May M., Carroll T.--Concerning the allocation of revenue received by the scientific and cultural facilities district to pay the reasonable costs related to a coordinated election held on behalf of the district.

Committee on Local Government

1 **SB06-229** by Senator(s) Fitz-Gerald, Isgar, Taylor; also
 2 Representative(s) Plant--Concerning the use of moneys
 3 from the operational account of the severance tax trust
 4 fund to pay for the state's share of a facility related to a
 5 national deep underground science and engineering
 6 laboratory to be located in the state.

7 Committee on Finance
 8

9 **SB06-234** by Senator(s) Groff, Grossman; also Representative(s)
 10 Garcia--Concerning best value construction contracting for
 11 public projects procured by the state.

12 Committee on State, Veterans, & Military Affairs
 13

14 **SB06-236** by Senator(s) Isgar; also Representative(s) Curry--
 15 Concerning an exclusion from the definition of exploration
 16 for a construction material for activities occurring within
 17 a limited area.

18 Committee on Local Government
 19

20 **SB06-237** by Senator(s) Grossman, Hagedorn, Isgar, Spence, Teck;
 21 also Representative(s) Balmer, Benefield, Carroll T.,
 22 McKinley, Stengel--Concerning interoperable
 23 communications among public safety radio systems.

24 Committee on Local Government
 25

27 INTRODUCTION OF RESOLUTIONS

28
 29 The following resolutions were read by title and laid over one day under
 30 the rules:

31
 32 **HJR06-1036** by Representative(s) Jahn, Gallegos, Cloer, Kerr J.; also
 33 Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning
 34 the retention of officers and employees of the Second
 35 Regular Session of the Sixty-fifth General Assembly.

36
 37 **SJR06-019** by Senator(s) Williams; also Representative(s) Todd--
 38 Concerning World Lupus Day in Colorado.
 39

40 **SJR06-039** by Senator(s) Shaffer, Boyd, Fitz-Gerald, Johnson,
 41 Traylor; also Representative(s) Pommer, Marshall, Berens,
 42 Cloer, Green, McGihon, Riesberg, Soper, Stafford,
 43 Sullivan--Concerning calculating a patient's glomerular
 44 filtration rate to determine kidney function.
 45

46 **SJR06-041** by Senator(s) Keller; also Representative(s) Stafford--
 47 Concerning the designation of May as Mental Health
 48 Month
 49

51 House in recess. House reconvened.
 52
 53
 54
 55

CHANGE IN SPONSORSHIP1
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HM04-1004--Representative Penry requested his name be removed as sponsor. The Speaker announced Representative May to replace Representative Penry as prime sponsor.

SB06-214--Representative Green to replace Representative Madden as prime sponsor in the House.

REPORTS OF COMMITTEES OF REFERENCE**BUSINESS AFFAIRS & LABOR**

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

HCR06-1011 be referred to the Committee of the Whole with favorable recommendation.

HJR06-1029 be postponed indefinitely.

SB06-221 be referred to the Committee of the Whole with favorable recommendation.

HEALTH & HUMAN SERVICES

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

HB06-1410 be referred favorably to the Committee on Appropriations.

HB06-1412 be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 1st day of May, 2006, at 4:30 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

May 1, 2006

The Honorable Colorado House of Representatives

Sixty-Fifth General Assembly
Second Regular Session
State Capitol Building

1 Denver, CO 80203

2

3 Ladies and Gentlemen:

4

5 I am filing with the Secretary of State the following act:

6

7 HOUSE BILL 06-1385, CONCERNING THE PROVISION FOR
8 PAYMENT OF THE EXPENSES OF THE EXECUTIVE,
9 LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE
10 OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS,
11 FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1,
12 2006, EXCEPT AS OTHERWISE NOTED

13

14 Approved in part and disapproved in part on May 1, 2006, at 2:05 p.m.

15

16 It is my constitutional obligation to review the general appropriations bill
17 and exercise the line item veto when necessary. While I have approved
18 House Bill 06-1385 (the "FY 2006-07 Long Bill") as a whole, I have
19 vetoed headnotes and footnotes within the bill, in addition to one line-
20 item in the operating budget and 5 projects in the capital construction
21 budget. Pursuant to the Colorado Constitution, I have filed copies of the
22 vetoed items from this bill, with my objections, with the Secretary of
23 State.

24

25 While this year's budget restores many of the reductions made in prior
26 years, the most important aspect of this year's budget is the crisis we have
27 avoided. By approving Referendum C in November 2005, Colorado
28 voters allowed our budget to recover from the recession of 2001. Absent
29 passage of Referendum C, the Office of State Planning and Budgeting
30 estimates that instead of the six percent increase budgeted for FY 2006-
31 07, the budget would have had to *decline* 3.5 percent, or \$216 million.

32

33 However, hidden in that overall decrease is the fact that spending on
34 mandated programs (K-12 education, Medicaid, and Corrections) would
35 have required drastic cuts in higher education and other programs. The
36 mandated increases total approximately \$191 million. Thus, these cuts to
37 non-mandated programs would have reached at least \$407 million. Many
38 who fought against Referendum C either said these cuts were scare tactics
39 or could be solved with unnamed efficiencies. I found it interesting that
40 none of these efficiencies made their way into any proposed legislation
41 in 2006. Once the books are closed on FY 2006-07, I believe the facts
42 will show that Referendum C was the right solution for Colorado.

43

44 As Colorado's economy recovers, all areas of government services are
45 getting some measure of restoration. Notable increases include: K-12
46 education, up \$144 million, or 5.3 percent, Higher Education, up \$92
47 million, or 15.3 percent, and health care up \$117 million, or 6.2 percent.

48

49 While this budget avoids many cuts, it also included some spending that
50 we cannot afford over the long-term in the capital construction budget.
51 I appreciate that the General Assembly prioritized these projects, but the
52 task of balancing capital construction, economic development, and
53 transportation needs over the long term was left in my hands. Despite the
54 new flexibility provided by Referendum C, even a lower rate of revenue
55 growth would require budget cuts. We are fortunate to have some funds
56 available for capital construction, but existing obligations are already

1 significant and thus we must be judicious in starting too many new
2 projects. While we have enough money to start all of the projects on this
3 list, the second and third year costs were too expensive and would have
4 unnecessarily burdened the FY 2007-08 budget and the next
5 administration.

6
7 Despite these concerns, the paramount task of the General Assembly is
8 to pass a budget. Therefore, I am signing House Bill 06-1385, with noted
9 line-item vetoes. The following text explains my vetoes to the Long Bill.

10

11 **VETO AND COMMENT ON HEADNOTES AND FOOTNOTES**

12

13 Article IV, Section 12 of the Colorado Constitution allows me to exercise
14 line item vetoes on the general appropriations bill (the "Long Bill"). I
15 have full discretion with regard to the items I choose to veto. I have
16 exercised this power to veto certain portions of the FY 2006-2007 Long
17 Bill that do not meet with my approval.

18

19 I vetoed a number of headnotes and footnotes that violate Article III
20 and/or Article V of the Constitution. Article III provides separation of
21 powers between the executive and legislative branches. While the
22 legislative branch has the authority to appropriate state funds, the
23 executive branch has the inherent responsibility and authority to
24 administer state funds. Therefore, the legislature may not attach
25 conditions in the Long Bill that intrude into the administration of state
26 government. Anderson v. Lamm, 579 P.2d 620 (Colo. 1978); Colorado
27 General Assembly v. Lamm, 704 P.2d 1371 (Colo. 1985). I have vetoed
28 provisions that go beyond appropriating funds and infringe on the
29 executive authority. The Denver District Court recently upheld the
30 executive's authority to veto the following headnotes upon finding that
31 these "headnotes are an attempt by the legislature to invade the
32 executive's function in administering funds." Colorado General
33 Assembly v. Owens, C.A. no. 03 CV 3700 (D.C. Denver, Colo., filed
34 Sept. 29, 2004). The Colorado Supreme Court has accepted jurisdiction
35 to review the validity of the line-item vetoes and the constitutional issues
36 regarding separation of powers and substantive legislation.

37

38 Article V, Section 32 prohibits the legislature from including substantive
39 legislation in the Long Bill. Anderson, 579 P.2d 620 (Colo. 1978);
40 Colorado General Assembly, 704 P.2d 1371 (Colo. 1985). The executive
41 department cannot abide by legislative directives that are in violation of
42 the Colorado Constitution. Accordingly, I have vetoed provisions of
43 substantive legislation in the Long Bill.

44

45 Many of the headnote and footnote vetoes provided below are identical
46 to the vetoes I exercised in prior Long Bills, and I exercised this power
47 for the same reasons.

48

49 I have lined through the following items, thereby vetoing these
50 provisions:

51

52

SECTION 1: HEADNOTES

53

54 **1. Section 1. Definitions – general provisions, headnote (1), pages**
55 **1-2:** (1) (a) "Capital outlay" means: (I) Equipment, furniture, motor
56 vehicles, software, and other items that have a useful life of one year or

1 more and that cost less than fifty thousand dollars; (II) Alterations and
2 replacements, meaning major and extensive repair, remodeling, or
3 alteration of buildings, the replacement thereof, or the replacement and
4 renewal of the plumbing, wiring, electrical, fiber optic, heating, and air
5 conditioning systems therein, costing less than fifteen thousand dollars;
6 (III) New structures, meaning the construction of entirely new buildings
7 where the cost will be less than fifteen thousand dollars, including the
8 value of materials and labor, either state-supplied or supplied by contract;
9 (IV) Nonstructural improvements to land, meaning the grading, leveling,
10 drainage, irrigation, and landscaping thereof and the construction of
11 roadways, fences, ditches, and sanitary and storm sewers, where the cost
12 will be less than five thousand dollars. (b) "Capital outlay" does not
13 include those things defined as capital construction by section 24-75-301,
14 Colorado Revised Statutes.

15

16 I vetoed this headnote last year. This headnote interferes with the ability
17 of the executive branch to administer appropriations as provided by
18 Article III of the Colorado Constitution. It is important to preserve the
19 executive authority to administer appropriations in order to allow
20 effective management of the state's business and of the current fiscal
21 situation. In order to provide flexibility for departments to administer the
22 appropriations when providing services to citizens, I am vetoing this
23 headnote. Furthermore, this provision represents substantive legislation
24 and as such is in violation of Article V, Section 32 of the Colorado
25 Constitution. In addition, the dollar amounts listed in this headnote have
26 not been changed since 1977. I will direct the departments to comply
27 with the headnote to the extent feasible, however, to the extent that this
28 headnote hinders the ability of departments to meet the needs of citizens,
29 they will be allowed to spend outside of these definition parameters,
30 provided that such spending will remain within the line item
31 appropriation provided by the General Assembly. Because this headnote
32 violates one or more articles of the state constitution, the headnote and its
33 references are constitutionally void.

34

35 **2. Section 1. Definitions – general provisions, headnote (3), pages**
36 **2-3:** (3) (a) (I) Except as otherwise provided in paragraph (b) of this
37 subsection, "full time equivalent" or "FTE" means the budgetary
38 equivalent of one permanent position continuously filled full time for an
39 entire fiscal year by elected state officials or by state employees who are
40 paid for at least two thousand eighty hours per fiscal year, with
41 adjustments made to: (A) Include in such time computation any sick,
42 annual, administrative, or other paid leave; and (B) Exclude from such
43 time computation any overtime or shift differential payments made in
44 excess of regular or normal hours worked and any leave payouts upon
45 termination of employment. (II) "Full time equivalent" or "FTE" does not
46 include contractual, temporary, or permanent seasonal positions. (III) As
47 used in this paragraph (a), "state employee" means a person employed by
48 the state, whether or not such person is a classified employee in the state
49 personnel system. (b) For purposes of higher education professional
50 personnel and assistants in resident instruction and professional personnel
51 in organized research and activities relating to instruction, "full time
52 equivalent" or "FTE" means the equivalent of one permanent position
53 continuously filled for a nine-month or ten-month academic year. (c) The
54 maximum limitation on the number of FTE that are allowed for the fiscal
55 year to which this act pertains may comprise any combination of part-time
56 positions or full-time positions so long as the maximum FTE limitation

1 is not exceeded.

2
3 I vetoed this headnote last year. The Colorado Supreme Court concluded in
4 1978 that legislative attempts to administer the appropriation by placing
5 "specific staffing and resource allocation decisions" in a general appropriations
6 bill were unconstitutional. Anderson v. Lamm, 195 Colo. 437, 579 P.2d 620
7 (1978). The Supreme Court in so doing recognized that the ability to make
8 staffing decisions is one of the most fundamental components of managing state
9 government. Therefore, this headnote and its references are constitutionally
10 void. Such a headnote inhibits the executive branch's authority to administer
11 the appropriation and is thus unconstitutional. Furthermore, this provision
12 represents substantive legislation and as such is in violation of Article V,
13 Section 32 of the Colorado Constitution.

14
15 **3. Section 1. Definitions – general provisions, headnote (4), pages 3-4:**

16 (4) "Health, life, and dental" means the state contribution for group benefits
17 plans pursuant to section 24-50-609, Colorado Revised Statutes. Pursuant to
18 section 24-50-104 (4) (d) (II) and section 24-50-609 (2) (b) (II), Colorado
19 Revised Statutes, the state of Colorado shall contribute an amount necessary to
20 pay two hundred seventy-one dollars and four cents per month per single
21 employee, four hundred twenty-one dollars and twenty-four cents per month per
22 employee with one or more children, four hundred forty-eight dollars and fifty-
23 eight cents per month per employee and spouse, and six hundred sixteen dollars
24 and eighty-six cents per employee and family per month for each employee
25 enrolled in a group benefit plan that includes enrollment in medical benefits. In
26 accordance with section 24-50-104 (4) (d) (II), Colorado Revised Statutes, these
27 contribution amounts shall be effective from July 1, 2006 until June 30, 2007.

28
29 I vetoed this headnote last year. This headnote interferes with the ability of the
30 executive branch to administer appropriations as provided by Article III of the
31 Colorado Constitution. It is important to preserve the executive authority to
32 administer appropriations in order to allow effective management of the state's
33 business. In order to provide flexibility for departments to administer the
34 appropriations when providing services to citizens, I am vetoing this headnote.
35 I will direct the departments to comply with the headnote to the extent feasible,
36 however, to the extent that this headnote hinders the ability of departments to
37 meet the needs of citizens, they will be allowed to spend outside of these
38 definition parameters, provided that such spending will remain within the line
39 item appropriation provided by the General Assembly. Furthermore, this
40 provision represents substantive legislation and as such is in violation of Article
41 V, Section 32 of the Colorado Constitution. Because this headnote violates one
42 or more articles of the state's constitution, the headnote and its references are
43 constitutionally void.

44
45 **4. Section 1. Definitions – general provisions, headnote (6), page 4:** (6)

46 "Lease purchase" means the use and acquisition of equipment under an
47 agreement to purchase, pursuant to which payments are made for a period of
48 longer than one year and are subject to annual appropriation. "Lease purchase"
49 may also include payments made under the agreement for the maintenance of
50 the equipment. No funds shall be expended for lease purchases except those
51 specifically appropriated for such purpose. The provisions of this subsection
52 (6) shall not apply to the board of regents of the university of Colorado; the
53 state board of agriculture; the board of trustees of the Colorado school of mines;
54 the board of trustees of the university of northern Colorado; the trustees of the
55 state colleges in Colorado; the state board for community colleges and
56 occupational education (except for administration and the division of

1 occupational education); the board for the Auraria higher education center; the
2 state historical society; the Colorado council on the arts; the division of
3 wildlife; the water conservation board; the county departments of social
4 services; and the low-income energy assistance block grant.

5
6 I vetoed this headnote last year. This headnote unconstitutionally interferes
7 with the ability of the executive branch to administer appropriations as provided
8 by Article III of the Colorado Constitution. It is important to preserve the
9 executive authority to administer appropriations in order to allow effective
10 management of the state's business. In order to provide flexibility for
11 departments to administer the appropriations when providing services to
12 citizens, I am vetoing this headnote. I will direct the departments to comply
13 with the headnote to the extent feasible, however, to the extent that this
14 headnote hinders the ability of departments to meet the needs of citizens, they
15 will be allowed to spend outside of these definition parameters, provided that
16 such spending will remain within the line item appropriation provided by the
17 General Assembly. Furthermore, this provision represents substantive
18 legislation and as such is in violation of Article V, Section 32 of the Colorado
19 Constitution. Because this headnote violates one or more articles of the state's
20 constitution, the headnote and its references are constitutionally void.

21
22 **5. Section 1. Definitions – general provisions, headnote (7), page 4:** (7)
23 "Leased space" means the use and acquisition of office facilities and office and
24 parking space pursuant to a rental agreement. No funds shall be expended for
25 leased space except pursuant to a specific appropriation for such purpose. The
26 provisions of this subsection (7) shall not apply to the board of regents of the
27 university of Colorado; the state board of agriculture; the board of trustees of
28 the Colorado school of mines; the board of trustees of the university of northern
29 Colorado; the trustees of the state colleges in Colorado; the state board for
30 community colleges and occupational education (except for administration and
31 the division of occupational education); the board for the Auraria higher
32 education center; the state historical society; the Colorado council on the arts;
33 the division of wildlife; the water conservation board; the county departments
34 of social services; and the low-income energy assistance block grant.

35
36 I vetoed this headnote last year. This headnote interferes with the ability of the
37 executive branch to administer appropriations as provided by Article III of the
38 Colorado Constitution. It is important to preserve the executive authority to
39 administer appropriations in order to allow effective management of the state's
40 business. In order to provide flexibility for departments to administer the
41 appropriations when providing services to citizens, I am vetoing this headnote.
42 I will direct the departments to comply with the headnote to the extent feasible,
43 however, to the extent that this headnote hinders the ability of departments to
44 meet the needs of citizens, they will be allowed to spend outside of these
45 definition parameters, provided that such spending will remain within the line
46 item appropriation provided by the General Assembly. Furthermore, this
47 provision represents substantive legislation and as such is in violation of Article
48 V, Section 32 of the Colorado Constitution. Because this headnote violates one
49 or more articles of the state's constitution, the headnote and its references are
50 constitutionally void.

51
52 **6. Section 1. Definitions – general provisions, headnote (8), page 5:** (8) (a)
53 "Legal services" means the purchase of legal services from the department of
54 law; however, up to ten percent of the amount appropriated for legal services
55 may instead be expended for operating expenses, contractual services, and
56 tuition for employee training. No funds shall be expended for legal services

1 except those specifically appropriated for such purpose. The provision of this
2 subsection (8) shall not apply to the departments of education, higher education,
3 transportation, and the risk management fund in the department of personnel.
4 (b) "Payments to private counsel" means the purchase of legal services from any
5 individual or entity other than the department of law. No funds shall be
6 expended for payments to private counsel except those specifically appropriated
7 for such purposes.

8
9 I vetoed this headnote last year. This headnote interferes with the ability of the
10 executive branch to administer appropriations as provided by Article III of the
11 Colorado Constitution. Legal services expenditures are not discretionary in
12 protecting the interest of the state and its citizens. Limiting the departments'
13 ability to expend funds for these services would result in ineffective
14 administration of the government. However, I recognize the need to contain
15 state expenditures for legal services. I will instruct the departments to use all
16 necessary restraint in legal service expenditures and to provide an accurate
17 annual accounting of all legal expenditures to the Joint Budget Committee.
18 Furthermore, this provision represents substantive legislation and as such is in
19 violation of Article V, Section 32 of the Colorado Constitution. Because this
20 headnote violates one or more articles of the state's constitution, the headnote
21 and its references are constitutionally void.

22
23 **7. Section 1. Definitions – general provisions, headnote (10), pages 5-6:**

24 (10) "Operating expenses" means: (a) Supplies and materials, meaning items
25 that by their nature are consumable and that have a useful life of less than one
26 year or that, after usage, undergo an impairment of, or a material change in,
27 physical condition, including, but not limited to, books, periodicals, and
28 educational, laboratory, medical, data processing, custodial, postal, office,
29 photographic, and road maintenance supplies and materials; (b) Current
30 charges, meaning charges for items or services not otherwise defined in this
31 section for which a separate appropriation is not made, including, but not
32 limited to, charges for utilities, trash removal, custodial services,
33 telecommunications, data processing, advertising, freight, rentals of equipment
34 and property, storage, parking, minor repair or maintenance, and printing and
35 reproduction, and insurance premiums, dues, subscriptions, casualty losses,
36 commissions, royalties, interest, fees, fines, reimbursements, litigation-related
37 expenses to the department of law for individual cases that exceed five hundred
38 dollars, and payments of prizes, awards, and judgments other than to state
39 employees as compensation; except that no funds appropriated for operating
40 expenses may be expended for vehicle lease payments, leased space, or lease
41 purchase unless otherwise authorized by law; (c) Capital outlay, as defined in
42 subsection (1) of this section. (d) The cost of travel by common carrier or by
43 state-owned or privately owned conveyance and the costs of meals and lodging
44 incident to such travel.

45
46 I vetoed this headnote last year. This headnote interferes with the ability of the
47 executive branch to administer appropriations as provided by Article III of the
48 Colorado Constitution. It is important to preserve the executive authority to
49 administer appropriations in order to allow effective management of the state's
50 business. In order to provide flexibility for departments to administer the
51 appropriations when providing services to citizens, I am vetoing this headnote.
52 I will direct the departments to comply with the headnote to the extent feasible,
53 however, to the extent that this headnote hinders the ability of departments to
54 meet the needs of citizens, they will be allowed to spend outside of these
55 definition parameters, provided that such spending will remain within the line
56 item appropriation provided by the General Assembly. Furthermore, this

1 provision represents substantive legislation and as such is in violation of Article
2 V, Section 32 of the Colorado Constitution. Because this headnote violates one
3 or more articles of the state's constitution, the headnote and its references are
4 constitutionally void.

5
6 **8.Section 1. Definitions – general provisions, headnote (11), page 6:** (11)
7 "Personal services" means: (a) All salaries and wages, whether to full-time,
8 part-time, or temporary employees of the state, and also includes the state's
9 contribution to the public employees' retirement fund and the state's share of
10 federal Medicare tax paid for state employees. Payments for overtime shall be
11 in compliance with rules and procedures adopted by the state personnel director.
12 (b) Professional services, meaning services requiring advanced study in a
13 specialized discipline that are rendered or performed by firms or individuals for
14 the state other than for employment compensation as an employee of the state,
15 including but not limited to accounting, consulting, architectural, engineering,
16 physician, nurse, specialized computer, and construction management services.
17 Such services shall not include the provision of legal services for the
18 department of law or to a private attorney or law firm. Payments for
19 professional services shall be in compliance with section 24-30-202 (2) and (3),
20 Colorado Revised Statutes. (c) Temporary services, meaning clerical,
21 administrative, and casual labor rendered or performed by firms or individuals
22 for the state other than for employment compensation as an employee of the
23 state. Payments for temporary services shall be in compliance with section 24-
24 30-202 (2) and (3), Colorado Revised Statutes. (d) Tuition, meaning payments
25 for graduate or undergraduate courses taken by state employees at institutions
26 of higher education. (e) Payments for unemployment insurance as required by
27 the department of labor and employment.

28
29 I vetoed this headnote last year. This headnote interferes with the ability of the
30 executive branch to administer appropriations as provided by Article III of the
31 Colorado Constitution. It is important to preserve the executive authority to
32 administer appropriations in order to allow effective management of the state's
33 business. In order to provide flexibility for departments to administer the
34 appropriations when providing services to citizens, I am vetoing this headnote.
35 I will direct the departments to comply with the headnote to the extent feasible,
36 however, to the extent that this headnote hinders the ability of departments to
37 meet the needs of citizens, they will be allowed to spend outside of these
38 definition parameters, provided that such spending will remain within the line
39 item appropriation provided by the General Assembly. Furthermore, this
40 provision represents substantive legislation and as such is in violation of Article
41 V, Section 32 of the Colorado Constitution. Because this headnote violates one
42 or more articles of the state's constitution, the headnote and its references are
43 constitutionally void.

44
45 **9.Section 1. Definitions – general provisions, headnote (12), page 6:** (12)
46 "Purchase of services from computer center" means the purchase of automated
47 data processing services from the general government computer center.

48
49 I vetoed this headnote last year. This headnote interferes with the ability of the
50 executive branch to administer appropriations as provided by Article III of the
51 Colorado Constitution. It is important to preserve the executive authority to
52 administer appropriations in order to allow effective management of the state's
53 business. In order to provide flexibility for departments to administer the
54 appropriations when providing services to citizens, I am vetoing this headnote.
55 I will direct the departments to comply with the headnote to the extent feasible,
56 however, to the extent that this headnote hinders the ability of departments to

1 meet the needs of citizens, they will be allowed to spend outside of these
2 definition parameters, provided that such spending will remain within the line
3 item appropriation provided by the General Assembly. Furthermore, this
4 provision represents substantive legislation and as such is in violation of Article
5 V, Section 32 of the Colorado Constitution. Because this headnote violates one
6 or more articles of the state's constitution, the headnote and its references are
7 constitutionally void.

8
9 **10. Section 1. Definitions – general provisions, headnote (13), page 7:** (13)
10 “Short-term disability” means the state contribution for employee short-term
11 disability pursuant to section 24-50-603, Colorado Revised Statutes. No funds
12 appropriated for short-term disability shall be expended for any other purpose.

13
14 I vetoed this headnote last year. This headnote interferes with the ability of the
15 executive branch to administer appropriations as provided by Article III of the
16 Colorado Constitution. It is important to preserve the executive authority to
17 administer appropriations in order to allow effective management of the state's
18 business. In order to provide flexibility for departments to administer the
19 appropriations when providing services to citizens, I am vetoing this headnote.
20 I will direct the departments to comply with the headnote to the extent feasible,
21 however, to the extent that this headnote hinders the ability of departments to
22 meet the needs of citizens, they will be allowed to spend outside of these
23 definition parameters, provided that such spending will remain within the line
24 item appropriation provided by the General Assembly. Furthermore, this
25 provision represents substantive legislation and as such is in violation of Article
26 V, Section 32 of the Colorado Constitution. Because this headnote violates one
27 or more articles of the state's constitution, the headnote and its references are
28 constitutionally void.

29
30 **11. Section 1. Definitions – general provisions, headnote (14), page 7:** (14)
31 “Utilities” means water, sewer service, electricity, payments to energy service
32 companies, purchase of energy conservation equipment, and all heating fuels.

33
34 I vetoed this headnote last year. This headnote interferes with the ability of the
35 executive branch to administer appropriations as provided by Article III of the
36 Colorado Constitution. It is important to preserve the executive authority to
37 administer appropriations in order to allow effective management of the
38 business of the state. In order to provide flexibility for departments to
39 administer the appropriations when providing services to citizens, I am vetoing
40 this headnote. I will direct the departments to comply with the headnote to the
41 extent feasible, however, to the extent that this headnote hinders the ability of
42 departments to meet the needs of citizens, they will be allowed to spend outside
43 of these definition parameters, provided that such spending will remain within
44 the line item appropriation provided by the General Assembly. Furthermore,
45 this provision represents substantive legislation and as such is in violation of
46 Article V, Section 32 of the Colorado Constitution. Because this headnote
47 violates one or more articles of the state's constitution, the headnote and its
48 references are constitutionally void.

49
50 **12. Section 1. Definitions – general provisions, headnote (15), page 7:** (15)
51 “Vehicle lease payments” means the annual payments to the department of
52 personnel for the cost of administration, repayment of a loan from the state
53 treasury, and lease-purchase payments for new and replacement vehicles. No
54 funds shall be expended for vehicle lease payments except those specifically
55 appropriated for such purposes. The provisions of this subsection (15) shall not
56 apply to the departments of education, higher education, and transportation.

1 I vetoed this headnote last year. This headnote interferes with the ability of the
2 executive branch to administer appropriations as provided by Article III of the
3 Colorado Constitution. It is important to preserve the executive authority to
4 administer appropriations in order to allow effective management of the state's
5 business. In order to provide flexibility for departments to administer the
6 appropriations when providing services to citizens, I am vetoing this headnote.
7 I will direct the departments to comply with the headnote to the extent feasible,
8 however, to the extent that this headnote hinders the ability of departments to
9 meet the needs of citizens, they will be allowed to spend outside of these
10 definition parameters, provided that such spending will remain within the line
11 item appropriation provided by the General Assembly. Furthermore, this
12 provision represents substantive legislation and as such is in violation of Article
13 V, Section 32 of the Colorado Constitution. Because this headnote violates one
14 or more articles of the state's constitution, the headnote and its references are
15 constitutionally void.

16
17 **13. Section 1. Definitions – general provisions, headnote (16), page 7:** (16)
18 “Multiuse Network Payments” means payments to the Department of Personnel
19 and Administration for the cost of administration and the use of the state's
20 telecommunications network. No funds appropriated for multiuse network
21 payments shall be expended for any other purpose.

22
23 I vetoed this headnote last year. This headnote interferes with the ability of the
24 executive branch to administer appropriations as provided by Article III of the
25 Colorado Constitution. It is important to preserve the executive authority to
26 administer appropriations in order to allow effective management of the state's
27 business. In order to provide flexibility for departments to administer the
28 appropriations when providing services to citizens, I am vetoing this headnote.
29 I will direct the departments to comply with the headnote to the extent feasible,
30 however, to the extent that this headnote hinders the ability of departments to
31 meet the needs of citizens, they will be allowed to spend outside of these
32 definition parameters, provided that such spending will remain within the line
33 item appropriation provided by the General Assembly. Furthermore, this
34 provision represents substantive legislation and as such is in violation of Article
35 V, Section 32 of the Colorado Constitution. Because this headnote violates one
36 or more articles of the state's constitution, the headnote and its references are
37 constitutionally void.

38
39 **14. Section 1. Definitions – general provisions, headnote (19), page 7:** (19)
40 Where no purpose is specified or where a special program is specified, the
41 appropriation shall be for contractual services, tuition, and operating expenses
42 and, only if the appropriation includes a specified FTE limitation, for personal
43 services other than contractual services.

44
45 I vetoed this headnote last year. This headnote interferes with the ability of the
46 executive branch to administer appropriations as provided by Article III of the
47 Colorado Constitution. It is important to preserve the executive authority to
48 administer appropriations in order to allow effective management of the state's
49 business. In order to provide flexibility for departments to administer the
50 appropriations when providing services to citizens, I am vetoing this headnote.
51 I will direct the departments to comply with the headnote to the extent feasible,
52 however, to the extent that this headnote hinders the ability of departments to
53 meet the needs of citizens, they will be allowed to spend outside of these
54 definition parameters, provided that such spending will remain within the line
55 item appropriation provided by the General Assembly. Furthermore, this
56 provision represents substantive legislation and as such is in violation of Article

1 V, Section 32 of the Colorado Constitution. Because this headnote violates one
2 or more articles of the state's constitution, the headnote and its references are
3 constitutionally void.

4 **15. Section 1. Definitions – general provisions, headnote (21), page 8:** (21)
5 When it is not feasible, due to the format of this act, to set forth fully in the line
6 item description the purpose of an item of appropriation or a condition or
7 limitation on the item of appropriation, the footnotes at the end of each section
8 of this act refer to provisions which set forth such purposes, conditions, or
9 limitations, and such provisions are therefore intended to be binding portions
10 of the items of appropriation to which they relate. In other cases, where clearly
11 expressed, footnotes refer to statements which are not intended by the general
12 assembly to be binding portions of appropriations but which are related to the
13 indicated item or items of appropriation. Such nonbinding statements include
14 explanations of the assumptions used in making appropriations, the general
15 assembly's intent with respect to future appropriations, and requests on the part
16 of the general assembly for particular administrative action in connection with
17 items of appropriation.

18
19 I vetoed this headnote last year. This headnote indicates that footnotes refer to
20 provisions which set forth purpose, conditions, or limitations regarding the
21 appropriation and states that provisions are therefore intended to be “binding
22 portions” of the items of appropriations to which they relate. Any footnote that
23 interferes with the ability of the executive branch to administer appropriations
24 as provided by Article III of the Colorado Constitution is invalid. Any footnote
25 that constitutes substantive legislation is in violation of Article V, Section 32
26 of the Colorado Constitution. I will consider such footnotes to be advisory, not
27 binding.

28

29

SECTION 2: FOOTNOTES

30

31 **1. Footnote 1, page 18:** Department of Agriculture, Agricultural Services
32 Division, Personal Services; and Operating Expenses -- The Department is
33 requested to submit a report to the Joint Budget Committee by November 1,
34 2006, which summarizes options for reducing personal services and operating
35 expenses related to programs administered by Inspection and Consumer
36 Services. This report should include strategies for extending risk-based time
37 frames, comparisons to programs in other states, statutory changes necessary to
38 implement potential cost savings, and possible consequences of reduced
39 funding and FTE.

40

41 I vetoed this footnote last year. This footnote is in violation of the Colorado
42 Constitution, Article III and possibly Article V, Section 32, because it interferes
43 with the ability of the executive branch to administer the appropriation and may
44 constitute substantive legislation that cannot be included in the general
45 appropriations bill. I will instruct the department to comply to the extent
46 feasible.

47

48 **2.Footnote 3, pages 18, 34, 44, 51, 68, 81, 110-111, 130, 137, 143, 146, 155,**
49 **160, 173, 188, 216, 231, 239, 252, 256, 259, 264:** All Departments, Totals --
50 Every department is requested to submit to the Joint Budget Committee
51 information on the number of additional federal and cash funds exempt FTE
52 associated with any federal grants or private donations that are applied for or
53 received during FY 2006-07. The information should include the number of
54 FTE, the associated costs (such as workers' compensation, health and life
55 benefits, need for additional space, etc.) that are related to the additional FTE,
56 the direct and indirect matching requirements associated with the federal grant

1 or donated funds, the duration of the grant, and a brief description of the
2 program and its goals and objectives.

3
4 I vetoed this footnote last year. This footnote violates the separation of powers
5 in Article III of the Colorado Constitution in that it is attached to federal funds
6 and private donations, which are not subject to legislative appropriation.
7 Placing information requirements on such funds could constitute substantive
8 legislation in the general appropriations bill in violation of Article V, Section
9 32 of the Colorado Constitution. In addition, this footnote is an unfunded
10 mandate in that it would require a significant devotion of resources.

11
12 **3. Footnote 4, pages 34, 111, 130, 231:** Department of Corrections,
13 Management, Executive Director's Office Subprogram; Department of Human
14 Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and
15 Drug Abuse Division; and Division of Youth Corrections; Judicial Department,
16 Probation and Related Services; and Department of Public Safety, Division of
17 Criminal Justice -- State agencies involved in multi-agency programs requiring
18 separate appropriations to each agency are requested to designate one lead
19 agency to be responsible for submitting a comprehensive annual budget request
20 for such programs to the Joint Budget Committee, including prior year, request
21 year, and three year forecasts for revenues into the fund and expenditures from
22 the fund by agency. The requests should be sustainable for the length of the
23 forecast based on anticipated revenues. Each agency is still requested to submit
24 its portion of such request with its own budget document. This applies to
25 requests for appropriation from the Drug Offender Surcharge Fund, the Sex
26 Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the
27 Alcohol and Drug Driving Safety Fund, among other programs.

28
29 *I vetoed this footnote last year. This footnote violates the separation of powers*
30 *in Article III of the Colorado Constitution by dictating the format of the*
31 *executive budget submission. In addition, this footnote may violate Article V,*
32 *Section 32 because it constitutes substantive legislation that cannot be included*
33 *in the general appropriations bill. I will instruct the departments to comply to*
34 *the extent feasible.*

35
36 **4. Footnote 5, page 34:** Department of Corrections, Management, External
37 Capacity Subprogram, Payments to House State Prisoners -- It is the intent of
38 the General Assembly that the appropriations made for payments to private
39 facilities housing state inmates be used exclusively for the purpose of per diem
40 payments. It is the intent of the General Assembly that the department not
41 withhold funds from the per diem payments to cover major medical expenses
42 incurred by state inmates assigned to private facilities. It is the intent of the
43 General Assembly that appropriations made in the medical services subprogram
44 are sufficient to cover major medical expenses incurred by state inmates held
45 in both state and private facilities.

46
47 *I vetoed this footnote last year. This footnote violates the separation of powers*
48 *in Article III of the Colorado Constitution by attempting to administer the*
49 *appropriation. In addition, this footnote may violate Article V, Section 32*
50 *because it constitutes substantive legislation that cannot be included in the*
51 *general appropriations bill. The Department of Corrections will endeavor to*
52 *fund all medical services for the department out of the line item appropriation*
53 *for medical services for inmates. However, the State is required to provide*
54 *these medical services and a request for additional funding may occur.*

55
56 **5. Footnote 5a, page 34:** Department of Corrections, Institutions, Medical

1 Services Subprogram, Purchase of Medical Services from Other Medical
2 Facilities -- It is the intent of the General Assembly that no state funds be
3 utilized for the purposes for providing elective medical procedures or gender
4 transition operations ordered by the court.

5
6 This footnote is in violation of the Colorado Constitution, Article III and
7 possibly Article V, Section 32, because it interferes with the ability of the
8 executive branch to administer the appropriation and may constitute substantive
9 legislation that cannot be included in the general appropriations bill. While I
10 also am concerned with elective surgery in prisons, court orders may require the
11 state to provide such services. However, I will direct the department to comply
12 to the extent feasible.

13
14 **6. Footnote 7, page 44:** Department of Education, Assistance to Public
15 Schools, Public School Finance, State Share of Districts' Total Program
16 Funding -- The Department is requested to provide to the Joint Budget
17 Committee, on or before November 1, 2006, information concerning the
18 Colorado preschool program. The information provided is requested to include
19 the following for fiscal year 2005-06: (a) data reflecting the ratio of the total
20 funded pupil count for the preschool program to the total funded pupil count for
21 kindergarten; (b) data indicating the number of three-year-old children that
22 participated in the preschool program; (c) data indicating the number of
23 children that participated in the preschool program for a full-day rather than a
24 half-day; (d) data indicating the number of preschool program FTE used to
25 provide a full-day kindergarten component; and (e) the state and local shares of
26 total program funding that is attributable to the preschool program.

27
28 I have vetoed similar footnotes in each of the past four years. This footnote
29 violates the separation of powers in Article III of the Colorado Constitution by
30 attempting to administer the appropriation. Additionally, this footnote may
31 violate Article V, Section 32 because it constitutes substantive legislation. I
32 will instruct the department to comply to the extent feasible.

33
34 **7. Footnote 8, pages 44-45, 81-82:** Department of Education, Assistance to
35 Public Schools, Categorical Programs; and Department of Higher Education,
36 Division of Occupational Education, Colorado Vocational Act Distributions
37 pursuant to Section 23-8-102, C.R.S. -- The Department of Education is
38 requested to work with the Department of Higher Education and to provide to
39 the Joint Budget Committee information concerning the distribution of state
40 funds available for each categorical program excluding grant programs. The
41 information for English language proficiency programs, public school
42 transportation, Colorado Vocational Act distributions, and small attendance
43 center aid is requested to include the following for FY 2005-06: (a) The total
44 amount distributed to each entity; and (b) the total amount that each entity
45 would be eligible to receive pursuant to state law and/or State Board of
46 Education rule. The information for special education services -- children with
47 disabilities and special education services - gifted and talented children is
48 requested to include the following information for the most recent fiscal year
49 for which data is available: (a) The total amount distributed to each entity; and
50 (b) the total expenditures incurred by each entity.

51
52 I have vetoed similar footnotes in each of the past four years. This footnote
53 violates the separation of powers in Article III of the Colorado Constitution by
54 attempting to administer the appropriation. In addition, this footnote may
55 violate Article V, Section 32 because it constitutes substantive legislation. I
56 will instruct the departments to comply to the extent feasible.

1 **8. Footnote 9, page 45:** Department of Education, Assistance to Public
2 Schools, Grant Programs and Other Distributions -- The Department is
3 requested to provide information to the Joint Budget Committee by November
4 1, 2006, concerning the allocation of funding to eligible boards of cooperative
5 services (BOCES) pursuant to section 22-2-122 (3), C.R.S. Specifically, the
6 Department is requested to detail the sources of funds and the allocations made
7 to each BOCES in fiscal year 2005-06.

8
9 I vetoed this footnote last year. This footnote violates the separation of powers
10 in Article III of the Colorado Constitution by attempting to administer the
11 appropriation, and may violate Article V, Section 32 because it constitutes
12 substantive legislation that cannot be included in the general appropriations bill.
13 I will instruct the department to comply to the extent feasible.

14
15
16 **9. Footnote 10, page 45:** Department of Education, Library Programs, Reading
17 Services for the Blind -- This appropriation is for the support of privately
18 operated reading services for the blind, as authorized by Section 24-90-105.5,
19 C.R.S. It is the intent of the General Assembly that \$150,000 of this
20 appropriation be used to provide access to radio and television broadcasts of
21 locally published and produced materials, and \$50,000 of this appropriation be
22 used to provide telephone access to digital transmissions of nationally published
23 and produced materials.

24
25 I vetoed a similar footnote last year. This footnote is in violation of the
26 Colorado Constitution, Article III and possibly Article V, Section 32, because
27 it interferes with the ability of the executive branch to administer the
28 appropriation and may constitute substantive legislation that cannot be included
29 in the general appropriations bill. I will direct the department to comply to the
30 extent feasible.

31
32 **10. Footnote 11, pages 45, 111:** Department of Education, School for the Deaf
33 and the Blind, School Operations, Early Intervention Services; and Department
34 of Human Services, Services for People with Disabilities, Developmental
35 Disability Services, Services for Children and Families, Program Funding --The
36 Division and the School for the Deaf and the Blind are requested to work
37 together and provide a report to the Joint Budget Committee by November 1,
38 2006, concerning the coordination and provision of early intervention services
39 to children under age three who are deaf or hard-of-hearing. The requested
40 report should include information concerning services currently provided
41 through the Division and the School to deaf and hard-of-hearing children under
42 age three, including: the number of children eligible for early intervention
43 services; the types of services provided through the Division and the School;
44 and the associated costs and sources of funding. The report should also include
45 information describing how the Division and the School plan to minimize any
46 duplication that might be occurring with respect to program administration and
47 service coordination.

48
49 This footnote violates the separation of powers in Article III of the Colorado
50 Constitution by attempting to administer the appropriation, and may violate
51 Article V, Section 32 because it constitutes substantive legislation that cannot
52 be included in the general appropriations bill. I will direct the departments to
53 comply to the extent feasible.

54
55 **11. Footnote 12, page 51:** Governor - Lieutenant Governor - State Planning
56 and Budgeting, Office of the Governor; and Office of State Planning and

1 Budgeting -- As part of the FY 2007-08 budget submission, the Office of State
2 Planning and Budgeting is requested to provide a report on cost recoveries from
3 federal programs that are administered through the Office of the Governor or
4 that are not shown elsewhere in the Long Bill. The report should include an
5 analysis, by federal program, of: Statewide and departmental indirect costs
6 collected in FY 2004-05 and FY 2005-06; where funds collected were spent; the
7 potential for additional indirect cost collections in FY 2006-07 and future years;
8 and the potential for offsetting General Fund expenditures in the Office of the
9 Governor or other departments through these collections. For each federal
10 program that was not assessed statewide and departmental indirect costs, the
11 report should explain why these costs were not assessed.

12

13 I vetoed this footnote last year. This footnote is in violation of the Colorado
14 Constitution, Article III and possibly Article V, Section 32, because it interferes
15 with the ability of the executive branch to administer the appropriation, dictates
16 the content and format of the executive budget request, and may constitute
17 substantive legislation that cannot be included in the general appropriations bill.
18 The General Assembly has no authority to appropriate federal funds.
19 Furthermore, the Governor's Office is already part of the statewide indirect cost
20 plan developed by the Department of Personnel; thus provision of this
21 information would be redundant.

22

23 **12. Footnote 13, page 51:** Governor - Lieutenant Governor - State Planning
24 and Budgeting, Office of the Governor, Governor's Office, Administration of
25 Governor's Office and Residence; and Other Programs and Grants -- The
26 Governor's Office is requested to provide to the Joint Budget Committee, with
27 its FY 2007-08 budget request, information pertaining to federal and cash
28 exempt funds received and expected to be received. This information should
29 include the amount and source of each grant, any matching and maintenance of
30 effort requirements, duration of the grant, as well as the name of the program
31 or project and number of FTE the funds will support.

32

33 I vetoed this footnote last year. This footnote violates the separation of powers
34 in Article III of the Colorado Constitution by attempting to administer the
35 appropriation and by dictating the content of the executive budget request.
36 Requesting additional information on non-appropriated sources within the
37 Governor's Office restricts the flexibility of the Office. Furthermore, the
38 General Assembly has no authority to appropriate federal money or to prescribe
39 limits on FTE. In addition, this footnote may violate Article V, Section 32
40 because it constitutes substantive legislation that cannot be included in the
41 general appropriations bill.

42

43 **13. Footnote 14, pages 52, 188-189:** Governor - Lieutenant Governor - State
44 Planning and Budgeting, Office of State Planning and Budgeting; and
45 Department of Personnel and Administration, Division of Human Resources,
46 Human Resource Services -- The Department shall comply with the statutory
47 provisions of section 24-50-110 (1)(d), C.R.S., and is requested to provide other
48 state departments with the information necessary to comply with this statute.
49 The Office of State Planning and Budgeting and the Department of Personnel
50 and Administration are requested to work with the departments to improve the
51 timeliness and accuracy of information about state personnel. Improvements,
52 at a minimum, should include: updating personnel information on a centralized
53 computerized data base; accurate reporting of filled FTE positions; number of
54 reclassifications that are approved, turnover rates by agency; tracking of FTE
55 positions funded to FTE positions filled; an accurate count of part-time and
56 temporary FTE positions; and elimination of unused FTE positions. The

1 Department of Personnel and Administration and the Office of State Planning
2 and Budgeting are requested to submit a consolidated statewide personnel
3 report to the General Assembly by September 1, 2006. This report should
4 include, by line item and department, a summary of vacant positions, the length
5 of time each position has been vacant, and the number of reclassifications that
6 were approved in FY 2005-06.

7
8 I vetoed this footnote last year. This footnote is in violation of the Colorado
9 Constitution, Article III and possibly Article V, Section 32, because it interferes
10 with the ability of the executive branch to administer the appropriation and may
11 constitute substantive legislation that cannot be included in the general
12 appropriations bill. For the last seven years, my administration has worked
13 diligently to provide the Joint Budget Committee (JBC) with information on
14 FTE within existing resources. My administration has provided the JBC with
15 more information on FTE than any prior administration and will continue to
16 work cooperatively with the JBC. However, the full amount of information
17 requested in this footnote is not available and to make this information available
18 would require significant investments in computer technology and human
19 resources. Without these investments, the footnote constitutes an unfunded
20 mandate. I will continue to direct representatives from the Governor's Office
21 and the Department of Personnel and Administration to provide the requested
22 information to the extent feasible given available data and resource constraints.

23
24 **14. Footnote 15, page 52:** Governor - Lieutenant Governor - State Planning
25 and Budgeting, Office of State Planning and Budgeting -- The Office of State
26 Planning and Budgeting is requested to submit a final report to the Joint Budget
27 Committee, as soon as available, but no later than October 1, 2006, concerning
28 the fiscal impact of the Office's contract to maximize federal revenues on a
29 contingency basis. The report should include: (a) The total amount of net
30 federal revenue generated for each initiative, by fiscal year; (b) The total
31 amount of net federal revenue anticipated to be received annually in future
32 fiscal years; (c) The total net reduction in General Fund expenditures for each
33 initiative, by fiscal year; (d) The total net reduction in annual General Fund
34 expenditures anticipated in future fiscal years; and (e) The total amount of
35 contingency fees paid for each initiative.

36
37 This footnote is in violation of the Colorado Constitution, Article III and
38 possibly Article V, Section 32, because it interferes with the ability of the
39 executive branch to administer the appropriation and may constitute substantive
40 legislation that cannot be included in the general appropriations bill.
41 Additionally, the current revenue-maximization contract is set to expire on June
42 30, 2006. However, I will direct the Office of State Planning and Budgeting to
43 provide a final update before December 31, 2006.

44
45 **15. Footnote 16, page 52:** Governor - Lieutenant Governor - State Planning
46 and Budgeting, Office of State Planning and Budgeting -- The Commission on
47 Information Management, in conjunction with the Office of State Planning and
48 Budgeting, is requested to submit a priority list for all state information
49 technology projects in the FY 2007-08 budget requests by November 1, 2006.

50
51 I vetoed this footnote last year. This footnote is in violation of the Colorado
52 Constitution, Article III and possibly Article V, Section 32, by attempting to
53 administer the appropriation and by dictating the content of the executive
54 budget request, and may constitute substantive legislation that cannot be
55 included in the general appropriations bill. The Office of State Planning and
56 Budgeting does not review budget requests from elected officials, the

1 Legislative Branch, or the Judicial Branch. I will direct the Office of State
2 Planning and Budgeting, in conjunction with the Office of Innovation and
3 Technology, to prioritize the information technology requests of the executive
4 branch departments according to programmatic priorities and to provide this
5 report to the JBC by November 2006. However, I will not require the offices
6 to prioritize non-executive requests in this list.

7
8 **16. Footnote 17, page 52:** Governor - Lieutenant Governor - State Planning
9 and Budgeting, Office of State Planning and Budgeting; and Office of
10 Innovation and Technology -- The General Assembly requests the Office of
11 State Planning and Budgeting and the Office of Innovation and Technology to
12 work with Joint Budget Committee staff and departmental staff to develop
13 recommendations for standardizing Long Bill information technology
14 appropriations in order to achieve consistency in long bill appropriations for
15 information technology. The Office of State Planning and Budgeting and the
16 Office of Innovation and Technology are requested to report their
17 recommendations for such a system to the General Assembly no later than
18 November 1, 2006.

19
20 I vetoed this footnote last year. This footnote violates the separation of powers
21 in Article III of the Colorado Constitution by directing the appropriation. In
22 addition, this footnote may violate Article V, Section 32 because it constitutes
23 substantive legislation that cannot be included in the general appropriations bill.

24
25 **17. Footnote 18, page 52:** Governor - Lieutenant Governor - State Planning
26 and Budgeting, Economic Development Programs, International Trade Office --
27 The International Trade Office is requested to provide its FY 2005-06 annual
28 report to the Joint Budget Committee by November 1, 2006. The report should
29 include the following information: Number of new and existing companies
30 assisted; activity reports from overseas representatives and offices; number of
31 incoming missions; and regional export activities.

32
33 I vetoed this footnote last year. This footnote is in violation of the Colorado
34 Constitution, Article III and possibly Article V, Section 32, because it interferes
35 with the ability of the executive branch to administer the appropriation and may
36 constitute substantive legislation that cannot be included in the general
37 appropriations bill. Additionally, this footnote requires a substantial dedication
38 of resources and constitutes an unfunded mandate. Nonetheless, I will direct
39 the department to comply to the extent feasible.

40
41 **18. Footnote 19, page 53; Footnote 18, page 82:** Governor - Lieutenant
42 Governor - State Planning and Budgeting, Economic Development Programs,
43 Colorado First Customized Job Training; and Department of Higher Education,
44 Division of Occupational Education, Colorado First Customized Job Training --
45 This program is requested to submit to the Joint Budget Committee by
46 November 1, 2006, a detailed plan for accountability, including the following:
47 Review criteria for selection of companies to participate; the number of new
48 jobs created by the programs; the number of unemployed and underemployed
49 individuals who were trained and employed by this program; the amount of new
50 personal income, state personal, and corporate income tax generated by this
51 program; the time period for repayment of state investment in this program; and
52 the number of persons taken off state support programs and the money saved
53 thereby.

54
55 I vetoed this footnote last year. This footnote is in violation of the Colorado
56 Constitution, Article III and possibly Article V, Section 32, because it interferes

1 with the ability of the executive branch to administer the appropriation and may
2 constitute substantive legislation that cannot be included in the general
3 appropriations bill. Furthermore, this footnote requires a substantial dedication
4 of resources and constitutes an unfunded mandate.

5
6 **19. Footnote 20a, page 68:** Department of Health Care Policy and Financing,
7 Executive Director's Office -- It is the intent of the General Assembly that the
8 Department comply with federal regulations that the Medicaid program be the
9 payer of last resort to the fullest extent possible (42 CFR 433.138 and 42 CFR
10 433.139). If the State Auditor finds that the Department is deficient in
11 collecting from third party payers, the Department is authorized to seek federal
12 waiver authority to pay providers first and then seek reimbursement from the
13 obligated third party payer. The Department is requested to submit a report to
14 the Joint Budget Committee by November 1, 2006, on the effectiveness of its
15 third party collections and how the Department plans to address any
16 recommendations contained in the State Auditor's review of this issue. The
17 Department is also requested to include a cost benefit analysis of when it is in
18 the state's interest to pursue third party recovery.

19
20 This footnote is in violation of the Colorado Constitution, Article III and
21 possibly Article V, Section 32, because it interferes with the ability of the
22 executive branch to administer the appropriation and may constitute substantive
23 legislation that cannot be included in the general appropriations bill.
24 Additionally, this footnote requires a substantial dedication of resources and
25 constitutes an unfunded mandate.

26
27 **20. Footnote 20b, page 68:** Department of Health Care Policy and Financing,
28 Executive Director's Office -- The Department is requested to provide a status
29 report on the implementation schedules and anticipated FY 2006-07 fiscal
30 impact for the following legislation: S.B. 04-177, H.B. 05-1015, H.B. 05-1066,
31 H.B. 05-1131, and H.B. 05-1243. This report is requested to be submitted to
32 the majority and minority leadership in each house of the General Assembly and
33 to the Joint Budget Committee by no later than August 1, 2006.

34
35 This footnote is in violation of the Colorado Constitution, Article III and
36 possibly Article V, Section 32, because it interferes with the ability of the
37 executive branch to administer the appropriation and may constitute substantive
38 legislation that cannot be included in the general appropriations bill.
39 Additionally, this footnote requires a substantial dedication of resources and
40 constitutes an unfunded mandate. I will ask the department to comply to the
41 extent feasible, although it is possible the report will not be completed by the
42 date requested.

43
44 **21. Footnote 22, pages 68-69:** Department of Health Care Policy and
45 Financing, Executive Director's Office, Primary Care Provider Rate Task Force
46 and Study -- The Department is requested to work with the provider community
47 to examine any issues of rate disparity and rate shortfalls for physician and
48 acute care providers. The Department is requested to report on its preliminary
49 findings by November 1, 2006, and its final analysis by November 1, 2007. The
50 Department's appropriation contains \$58,000 total funds for the expenses of any
51 task force that the Department may assemble and for temporary staffing costs
52 for conducting such a study.

53
54 This footnote is in violation of the Colorado Constitution, Article III and
55 possibly Article V, Section 32, because it interferes with the ability of the
56 executive branch to administer the appropriation and may constitute substantive

1 legislation that cannot be included in the general appropriations bill.

2

3 **22. Footnote 23, page 69:** Department of Health Care Policy and Financing,
4 Medical Services Premiums -- The Department is requested to submit a report
5 on the managed care organizations' capitation rates for each population and the
6 estimated blended rate for each aid category in effect for FY 2006-07 to the
7 Joint Budget Committee by July 25, 2006. The Department is requested to
8 include in the report a copy of each managed care organization's certification
9 that the reimbursement rates are sufficient to assure the financial stability of the
10 managed care organization with respect to delivery of services to the Medicaid
11 recipients covered in their contract pursuant to section 26-4-114 (2) (k), C.R.S.

12

13 I vetoed this footnote last year. This footnote is in violation of the Colorado
14 Constitution, Article III and possibly Article V, Section 32, because it interferes
15 with the ability of the executive branch to administer the appropriation and may
16 constitute substantive legislation that cannot be included in the general
17 appropriations bill.

18

19 **23. Footnote 26, page 69:** Department of Health Care Policy and Financing,
20 Medical Services Premiums -- The calculations for this line item include
21 \$9,917,925 total funds for a 3.25 percent reimbursement rate increase for
22 primary care providers beginning July 1, 2006. It is the intent of the General
23 Assembly that the Medical Services Board adopt rules to increase
24 reimbursement rates for provider codes paid from the physician, dental, Early
25 and Periodic Screening, Diagnosis and Treatment, lab and x-ray, and durable
26 medical equipment services categories. The Department is requested to provide
27 a report to the Joint Budget Committee by August 1, 2006, on the status of the
28 rules adopted by the Medical Services Board regarding this reimbursement rate
29 increase.

30

31 This footnote is in violation of the Colorado Constitution, Article III and
32 possibly Article V, Section 32, because it interferes with the ability of the
33 executive branch to administer the appropriation and may constitute substantive
34 legislation that cannot be included in the general appropriations bill.
35 Additionally, this rate change does not require rule changes from the Medical
36 Services Board. However I will direct the Department to comply to the extent
37 feasible.

38

39 **24. Footnote 27, page 69:** Department of Health Care Policy and Financing,
40 Medical Services Premiums -- The calculations for this line item include
41 \$11,713,742 total funds for a 3.25 percent rate increase for inpatient hospital
42 services provided to Medicaid clients beginning July 1, 2006. It is the intent of
43 the General Assembly that the Medical Services Board adopt rules that increase
44 each individual hospital's Medicaid reimbursement rate by 3.25 percent for
45 inpatient hospital services provided to Medicaid clients. The Department is
46 also requested to provide a report to the Joint Budget Committee by August 1,
47 2006, on the status of the rules adopted by the Medical Services Board
48 regarding this rate increase.

49

50 This footnote is in violation of the Colorado Constitution, Article III and
51 possibly Article V, Section 32, because it interferes with the ability of the
52 executive branch to administer the appropriation and may constitute substantive
53 legislation that cannot be included in the general appropriations bill.
54 Additionally, this rate change does not require rule changes from the Medical
55 Services Board. However I will direct the Department to comply to the extent
56 feasible.

1 **25. Footnote 28, pages 69-70:** Department of Health Care Policy and
 2 Financing, Medical Services Premiums -- The calculations for this line item
 3 include \$4,138,750 for rate increase for home- and community-based waiver
 4 services, private duty nursing services, and home health services beginning
 5 April 1, 2007. It is the intent of the General Assembly that the Medical
 6 Services Board adopt rules to provide the following rate increases:

7	8	9
	<u>Provider Class</u>	<u>Rate Increase</u>
9	Assisted Living Facilities	12.50%
10	Day Care Services	1.00%
11	Skilled Nursing	23.60%
12	Physical Therapy	23.60%
13	Speech Therapy	23.60%
14	Occupational Therapy	23.60%
15	Private Duty Registered Nursing	23.40%
16	Private Duty Licensed Nursing	23.60%

17
 18 The Department is requested to report to the Joint Budget Committee by June
 19 1, 2007 the rate plan that has been adopted by the Medical Services Board.
 20 This footnote is in violation of the Colorado Constitution, Article III and
 21 possibly Article V, Section 32, because it interferes with the ability of the
 22 executive branch to administer the appropriation and may constitute substantive
 23 legislation that cannot be included in the general appropriations bill.
 24 Additionally, this rate change does not require rule changes from the Medical
 25 Services Board. However I will direct the Department to comply to the extent
 26 feasible.

27
 28 **26. Footnote 31, page 70:** Department of Health Care Policy and Financing,
 29 Indigent Care Program, Children's Basic Health Plan Premium Costs -- This
 30 appropriation assumes the following caseload and cost estimates: (1) traditional
 31 children's caseload of 38,635 at an average cost of \$104.14 per month; (2)
 32 expansion of the children's caseload by 3,955 at an average cost of \$104.14 per
 33 month; (3) traditional adult prenatal member months of 1,428 at an average cost
 34 of \$905.54 per month; and (4) expansion of the adult prenatal member months
 35 by 17,508 at an average cost of \$905.54 per month. Traditional caseload is
 36 funded from the Children's Basic Health Plan. Expansion caseload is funded
 37 from the Health Care Expansion Fund.

38
 39 This footnote is in violation of the Colorado Constitution, Article III and
 40 possibly Article V, Section 32, because it interferes with the ability of the
 41 executive branch to administer the appropriation and may constitute substantive
 42 legislation that cannot be included in the general appropriations bill. I will
 43 direct the department to comply to the extent feasible.

44
 45 **27. Footnote 33, page 71:** Department of Health Care Policy and Financing,
 46 Other Medical Services, Services for 5,989 Old Age Pension State Medical
 47 Program clients at an average cost of \$2,381.48 -- The Department is requested
 48 to submit a report by November 1, 2006, recommending changes to the benefit
 49 structure or eligibility criteria for the Old Age Pension State Medical Program
 50 in order to stay within the appropriation limit of \$13,286,483 for FY 2007-08.
 51 The report should include the most recent five-year expenditure history for the
 52 different medical services categories used by this population. In addition, the
 53 report should include a five-year forecast for the caseload and costs of this
 54 program if benefits are not reduced.

55
 56 I vetoed a similar footnote last year. This footnote is in violation of the

1 Colorado Constitution, Article III and possibly Article V, Section 32, because
2 it interferes with the ability of the executive branch to administer the
3 appropriation and may constitute substantive legislation that cannot be included
4 in the general appropriations bill.

5
6 **28. Footnote 36, page 82:** Department of Higher Education, Colorado
7 Commission on Higher Education, Administration -- The Department should
8 continue its efforts to provide data on the efficiency and effectiveness of state
9 financial aid in expanding access to higher education for Colorado residents.
10 The Department is requested to provide to the Joint Budget Committee by
11 November 1 of each year an evaluation of financial aid programs, which should
12 include, but not be limited to: 1) An estimate of the amount of federal,
13 institutional, and private resources (including tax credits) devoted to financial
14 aid; 2) the number of recipients from all sources; 3) information on typical
15 awards; and 4) the typical debt loads of graduates. To the extent possible, the
16 Department should differentiate the data based on available information about
17 the demographic characteristics of the recipients. To the extent that this
18 information is not currently available, the Department is requested to provide
19 a reasonable estimate, or identify the additional costs that would be associated
20 with collecting the data.

21
22 This footnote is in violation of the Colorado Constitution, Article III and
23 possibly Article V, Section 32, because it interferes with the ability of the
24 executive branch to administer the appropriation and may constitute substantive
25 legislation that cannot be included in the general appropriations bill. In
26 addition, all of the data for the most recent fiscal year is not available to the
27 Department in time to meet the November 1 reporting date. As a result, I will
28 direct the Department to comply with the intent of the footnote to the extent
29 possible.

30
31 **29. Footnote 37, page 82:** Department of Higher Education, Colorado
32 Commission on Higher Education, Administration -- The Department is
33 requested to submit a report to the Joint Budget Committee by November 1,
34 2006, comparing the retention rates of students receiving Governor's
35 Opportunity Scholarships with retention rates for low-income students receiving
36 other types of financial aid packages.

37
38 I vetoed this footnote last year. This footnote is in violation of the Colorado
39 Constitution, Article III and possibly Article V, Section 32, because it interferes
40 with the ability of the executive branch to administer the appropriation and may
41 constitute substantive legislation that cannot be included in the general
42 appropriations bill. However, I will direct the department to comply with the
43 intent of the footnote to the extent possible

44
45 **30. Footnote 38, page 82:** Department of Higher Education, Colorado
46 Commission on Higher Education, Administration -- The Department is
47 requested to submit a report to the Joint Budget Committee by November 1
48 each year documenting the base level of institutional financial aid at each
49 institution and demonstrating that at least 20 percent of any increase in
50 undergraduate resident tuition revenues in excess of inflation is being devoted
51 to need-based financial assistance pursuant to section 23-18-202 (3) (C), C.R.S.

52
53 This footnote is in violation of the Colorado Constitution, Article III and
54 possibly Article V, Section 32, because it interferes with the ability of the
55 executive branch to administer the appropriation and may constitute substantive
56 legislation that cannot be included in the general appropriations bill. While I

1 am vetoing this footnote, I am directing higher education institutions and/or
2 governing boards to comply to the extent possible with the intent of the footnote
3 and provide the Colorado Commission on Higher Education a report. The
4 Colorado Commission on Higher Education is, in turn, directed to forward this
5 information to the Joint Budget Committee.

6
7 **31. Footnote 38a, pages 82-83:** Department of Higher Education, Colorado
8 Commission on Higher Education, Administration -- The Department is
9 requested to submit a report to the House and Senate Education Committees
10 and the Joint Budget Committee by November 1, 2006 analyzing the impact of
11 need-based financial aid programs on the recruitment, retention, and academic
12 performance of under-served students, and making recommendations for
13 improvement.

14
15 This footnote is in violation of the Colorado Constitution, Article III and
16 possibly Article V, Section 32, because it interferes with the ability of the
17 executive branch to administer the appropriation and may constitute substantive
18 legislation that cannot be included in the general appropriations bill. However,
19 I will direct the department to comply with the intent of the footnote to the
20 extent possible.

21
22 **32. Footnote 39a, page 83:** Department of Higher Education, Colorado
23 Commission on Higher Education Financial Aid, Special Purpose Scholarships
24 for Pre-collegiate Programs -- It is the intent of the General Assembly that to
25 receive a grant from the Scholarships for Pre-Collegiate Programs a student
26 must be a Colorado high school graduate eligible for resident tuition and have
27 been accepted into an institution of higher education in Colorado. Further, the
28 student must have been enrolled in and successfully completed an eligible pre-
29 collegiate program of at least one year offered during the high school academic
30 year. It is the intent of the General Assembly that the Colorado Commission on
31 Higher Education or their designee will determine which pre-collegiate
32 programs are eligible.

33
34 This footnote is in violation of the Colorado Constitution, Article III and
35 possibly Article V, Section 32, because it interferes with the ability of the
36 executive branch to administer the appropriation and may constitute substantive
37 legislation that cannot be included in the general appropriations bill. While I
38 am vetoing this footnote, I am directing the Colorado Commission on Higher
39 Education to comply with the intent of the footnote.

40
41 **33. Footnote 41, pages 83, 111:** Department of Higher Education, Colorado
42 Commission on Higher Education Financial Aid, Special Purpose, Early
43 Childhood Professional Loan Repayment Program; and Department of Human
44 Services, Division of Child Care, Early Childhood Professional Loan
45 Repayment Program -- It is the intent of the General Assembly that no more
46 than 10 percent of all expenditures from this line item shall be for program
47 administration.

48
49 I vetoed this footnote last year. This footnote is in violation of the Colorado
50 Constitution, Article III and possible Article V, Section 32, because interferes
51 with the ability of the executive branch to administer the appropriation and may
52 constitute substantive legislation that cannot be included in the general
53 appropriations bill. However, I will direct the department to comply with the
54 intent of the footnote.

55
56 **34. Section 2, Part VII, Department of Human Services, (6) Division of**

1 **Child Care, page 93:**

2	Item & Subtotal	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt	Federal Funds
3	Early Childhood					
4	and School					
5	Readiness					
6	Commission	\$76,100			\$26,100	\$50,000

7
8 Section 26-6-306.5 C.R.S. states that the Early Childhood and School
9 Readiness Commission is to be supported by gifts, grants and donations, and,
10 to date, the appropriation for this line-item has not included any federal funds.
11 According to statute, gifts, grants and donations given to support the
12 commission are to be transmitted to the treasurer and credited to the early
13 childhood and school readiness cash fund. Apart for the \$26,800 initially
14 contributed in FY 2004-05 no additional monies have been transmitted to this
15 fund and a balance of \$761 remains. Given that there have been no new
16 deposits into the fund since its inception, it is not appropriate that limited public
17 monies now be required to backfill what was clearly intended to be financed
18 with gifts, grants and donations. Therefore, I am vetoing this line-item.

19
20 **35. Footnote 45, pages 111-112:** Department of Human Services, Office of
21 Operations; Department Totals -- The Department is requested to examine its
22 cost allocation methodology and report its findings to demonstrate that all state-
23 wide and departmental indirect costs are appropriately collected and applied.
24 The Department is requested to submit a report to the Joint Budget Committee
25 on or before November 15, 2006, that should include: (1) Prior year actual
26 indirect costs allocated by division and corresponding earned revenues by type
27 (cash, cash exempt, and federal); (2) the amount of such indirect costs applied
28 within each division and to Department administration line items in the
29 Executive Director's Office, Office of Operations, and Office of Information
30 Technology Services; (3) a comparison between indirect amounts applied and
31 the amounts budgeted in the Long Bill; and (4) a schedule identifying areas in
32 which collections could potentially be increased and a description of the
33 obstacles to such increases where the discrepancy between the potential and
34 actual collections is \$50,000 or more.

35
36 This footnote is in violation of the Colorado Constitution, Article III and
37 possibly Article V, Section 32, because it interferes with the ability of the
38 executive branch to administer the appropriation and may constitute substantive
39 legislation that cannot be included in the general appropriations bill. I will
40 direct the department to comply to the extent feasible.

41
42 **36. Footnote 49, page 112:** Department of Human Services, Division of Child
43 Welfare -- The Department is requested to provide to the Joint Budget
44 Committee, by November 1, 2006, information concerning the gross amount of
45 payments to child welfare service providers, including amounts that were paid
46 using revenues other than county, state, or federal tax revenues. The
47 Department is requested to identify amounts, by source, for the last two actual
48 fiscal years.

49
50 I vetoed this footnote last year. This footnote violates the separation of powers
51 in Article III of the Colorado Constitution by attempting to administer the
52 appropriation, and may violate Article V, Section 32 because it constitutes
53 substantive legislation that cannot be included in the general appropriations bill.
54 I will instruct the department to comply with the intent of the footnote.

1 **37. Footnote 50, pages 112-113:** Department of Human Services, Division of
2 Child Welfare, Child Welfare Services -- The Department is requested to
3 provide to the Joint Budget Committee, by November 1, 2006, information
4 concerning actual expenditures for the last two fiscal years for services that are
5 now funded through this consolidated line item. Such data should include the
6 following: (a) Program services expenditures and the average cost per open
7 involvement per year; (b) out-of-home placement care expenditures and the
8 average cost per child per day; and (c) subsidized adoption expenditures and the
9 average payment per child per day.

10

11 I vetoed this footnote last year. This footnote violates the separation of powers
12 in Article III of the Colorado Constitution by attempting to administer the
13 appropriation, and may violate Article V, Section 32 because it constitutes
14 substantive legislation that cannot be included in the general appropriations bill.
15 I will instruct the department to comply with the intent of the footnote.

16

17 **38. Footnote 53, page 113:** Department of Human Services, Division of Child
18 Welfare, Family and Children's Programs -- It is requested that \$3,949,313 of
19 the funds appropriated for this line item be used to assist county departments
20 of social services in implementing and expanding family- and community-based
21 services for adolescents. It is the intent of the General Assembly that such
22 services be based on a program or programs that have been demonstrated to be
23 effective in 113 reducing the need for higher cost residential services.

24

25 I vetoed this footnote last year. This footnote violates the separation of powers
26 in Article III of the Colorado Constitution by attempting to administer the
27 appropriation. In addition, this footnote may violate Article V, Section 32
28 because it constitutes substantive legislation that cannot be included in the
29 general appropriations bill. I will instruct the department to comply with the
30 intent of the footnote.

31

32 **39. Footnote 55, pages 113-114:** Department of Human Services, Office of
33 Self Sufficiency, Colorado Works Program, County Block Grants -- Pursuant
34 to sections 26-2-714 (7) and 26-2-714 (9), C.R.S., under certain conditions, a
35 county may transfer federal Temporary Assistance for Needy Families (TANF)
36 funds within its Colorado Works Program Block Grant to the federal child care
37 development fund or to programs funded by Title XX of the federal Social
38 Security Act. One of the conditions specified is that the amount a county
39 transfers must be specified by the Department of Human Services as being
40 available for transfer within the limitation imposed by federal law. It is the
41 intent of the General Assembly that the Department allow individual counties
42 to transfer a greater percent of federal TANF funds than the state is allowed
43 under federal law as long as: (a) Each county has had an opportunity to transfer
44 an amount up to the federal maximum allowed; and, (b) the total amount
45 transferred statewide does not exceed the federal maximum.

46

47 I vetoed this footnote last year. This footnote may violate Article V, Section 32
48 because it constitutes substantive legislation that cannot be included in the
49 general appropriations bill by specifying conditions when individual counties
50 are to transfer a greater percent of federal TANF funds than the State is allowed
51 under federal law. Furthermore, this footnote violates the separation of powers
52 in Article III of the Colorado Constitution by attempting to administer the
53 appropriation. I will instruct the department to comply with the intent of the
54 footnote to the extent feasible.

55

56 **40. Footnote 57, page 114:** Department of Human Services, Mental Health

1 and Alcohol and Drug Abuse Services, Administration, Personal Services -- It
2 is the intent of the General Assembly that the Department utilize this
3 appropriation for personal services for its salaries and other related personal
4 services costs and that the Department not bill these expenses to any program
5 line items.

6
7 I vetoed this footnote last year. This footnote violates the separation of powers
8 in Article III of the Colorado Constitution by attempting to administer the
9 appropriation. This footnote impacts the department's ability to accurately
10 charge indirect costs; I will direct the department not to comply.

11
12 **41. Footnote 59, page 114:** Department of Human Services, Mental Health
13 and Alcohol and Drug Abuse Services, Mental Health Community Programs,
14 Mental Health Services for the Medically Indigent, Services for 9,225 Indigent
15 Mentally Ill Clients -- It is the intent of the General Assembly that this money
16 be used solely as a direct services pass-through to community mental health
17 centers.

18
19 I vetoed a similar footnote last year. This footnote is in violation of the
20 Colorado Constitution, Article III and possibly Article V, Section 32, because
21 it interferes with the ability of the executive branch to administer the
22 appropriation and may constitute substantive legislation that cannot be included
23 in the general appropriations bill. In addition, federal regulations allow
24 departments to charge indirect costs for administrative expenses, and state
25 statutes encourage this practice.

26
27 **42. Footnote 60, page 114:** Department of Human Services, Mental Health
28 and Alcohol and Drug Abuse Services, Mental Health Community Programs,
29 Mental Health Services for the Medically Indigent, Services for 9,225 Indigent
30 Mentally Ill Clients -- It is the intent of the General Assembly that \$450,000
31 General Fund of this appropriation be used for crisis stabilization services in
32 western Colorado and that \$450,000 General Fund of this appropriation also be
33 used for crisis stabilization services in southwestern Colorado.

34
35 This footnote is in violation of the Colorado Constitution, Article III and
36 possibly Article V, Section 32, because it interferes with the ability of the
37 executive branch to administer the appropriation and may constitute substantive
38 legislation that cannot be included in the general appropriations bill. While I
39 recognize that there are unique needs within these two rural regions that could
40 be addressed by the restoration of funding for this line item, the Department has
41 established processes to allocate funding based on need. Thus, while I am
42 vetoing this footnote, I will direct the department to comply to the extent
43 feasible without disproportionately affecting all needy clientele statewide.

44
45 **43. Footnote 61, page 115:** Department of Human Services, Mental Health
46 and Alcohol and Drug Abuse Services, Mental Health Community Programs,
47 Mental Health Services for the Medically Indigent, Juvenile Mental Health Pilot
48 (H.B. 00-1034) -- The Department is requested to provide a report that
49 reconciles its estimates of programmatic savings with that provided by the
50 Department of Public Safety. The report is also requested to include
51 recommendations for program expansion, if appropriate. This report is
52 requested to be provided to the Joint Budget Committee by no later than
53 November 1, 2006.

54
55 This footnote is in violation of the Colorado Constitution, Article III and
56 possibly Article V, Section 32, because it interferes with the ability of the

1 executive branch to administer the appropriation. I will direct the Department
2 to comply to the extent feasible.

3
4 **44. Footnote 62, page 115:** Department of Human Services, Mental Health
5 and Alcohol and Drug Abuse Services, Mental Health Community Programs,
6 Goebel Lawsuit, Goebel Lawsuit Settlement -- The Department is requested to
7 report on the status of the court order. The Department is also requested to
8 provide a report detailing any programmatic changes that will be necessary once
9 the state is no longer governed by a court order, including but not limited to
10 changes in categorizing expenditures pursuant to federal funds indicated by the
11 Centers for Medicare and Medicaid Services and changes in service modality
12 to improve outcome measures. This report is requested to be provided to the
13 Joint Budget Committee by no later than November 1, 2006.

14
15 I vetoed a similar footnote last year. This footnote is in violation of the
16 Colorado Constitution, Article III and possibly Article V, Section 32, because
17 it interferes with the ability of the executive branch to administer the
18 appropriation and may constitute substantive legislation that cannot be included
19 in the general appropriations bill. I will direct the department to comply to the
20 extent feasible.

21
22 **45. Footnote 63, page 115:** Department of Human Services, Mental Health
23 and Alcohol and Drug Abuse Services, Mental Health Institutes -- It is the
24 intent of the General Assembly that civil allocated beds be distributed in a
25 manner such that clients may be served in a mental health institute in closer
26 geographic proximity to the clients' respective homes. Best practices dictate
27 that the provision of care should occur in the closest proximity to family and
28 support in order to facilitate recovery. The Department's 20-year-old bed
29 allocation plan does not follow this best practice. Because allocated civil beds
30 are instead being utilized at the Mental Health Institute at Pueblo for
31 competency evaluations and restoration of competency services, fewer beds are
32 available for civil allocations. To that end, it is the intent of the General
33 Assembly that the Department evaluate options for addressing the current
34 backlog for competency evaluations and restoration of sanity cases at the
35 Mental Health Institute and explore alternative means for addressing this
36 problem and the problem of the civil allocated beds. A report on the
37 Department's findings and recommendations is requested to be provided to the
38 Joint Budget Committee and the House and Senate Health and Human Services
39 Committees by no later than November 1, 2006. Said report is requested to
40 consider options for addressing this backlog and providing for a more
41 appropriate allocation of civil beds. Said report is requested to evaluate
42 efficient and effective options for utilizing other means and/or facilities in the
43 state to provide said services and to evaluate options for providing mental
44 health services in the jails to minimize the need for such restorations, thus
45 reducing the workload and backlog. As a result of this research, it is the intent
46 of the General Assembly to minimize the evaluations and restorations workload
47 and backlog for the Mental Health Institute at Pueblo so that the beds allocated
48 for civil-based mental health services can be utilized more effectively and
49 efficiently.

50
51 This footnote is in violation of the Colorado Constitution, Article III and
52 possibly Article V, Section 32, because it interferes with the ability of the
53 executive branch to administer the appropriation and may constitute substantive
54 legislation that cannot be included in the general appropriations bill.
55 Complying with this footnote constitutes a significant unfunded mandate and
56 I will direct the Department not to comply. If the General Assembly were truly

1 interested in such a resource allocation, it would have made available a
2 sufficient appropriation in this budget.

3

4 **46. Footnote 63a, page 115:** Department of Human Services, Mental Health
5 and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Services,
6 Alcohol and Drug Abuse Division, Community Programs, Treatment Services,
7 Treatment and Detoxification Contracts -- This appropriation was calculated
8 with an increase of \$700,000 General Fund with the intent that it be allocated
9 equally to the adolescent residential programs in managed service organization
10 sub-state area #2 for comprehensive alcohol, drug and behavioral health
11 services to compensate for losses in residential treatment center funding.

12

13 This footnote is in violation of the Colorado Constitution, Article III and
14 possibly Article V, Section 32, because it interferes with the ability of the
15 executive branch to administer the appropriation. While I recognize that there
16 are unique needs within this region, the Department has processes in place to
17 allocate funding based on need. Thus, while I am vetoing this footnote, I will
18 direct the department to comply to the extent feasible without
19 disproportionately affecting all needy clientele statewide.

20

21 **47. Footnote 64, pages 115-116:** Department of Human Services, Services for
22 People with Disabilities, Developmental Disability Services, Community
23 Services; and Division of Vocational Rehabilitation, Rehabilitation Programs --
24 Local Funds Match -- The Department is requested to provide a report to the
25 Joint Budget Committee, by November 1, 2007, on the impact of the
26 Developmental Disabilities and Vocational Rehabilitation Pilot Project. The
27 report should include the numbers of persons served, employment outcomes
28 achieved, lessons learned, and recommendations for expansion, reduction, or
29 modification of the program.

30

31 This footnote is in violation of the Colorado Constitution, Article III and
32 possibly Article V, Section 32, because it interferes with the ability of the
33 executive branch to administer the appropriation and may constitute substantive
34 legislation that cannot be included in the general appropriations bill. I will
35 direct the Department to comply to the extent feasible.

36

37 **48. Footnote 66, page 116:** Department of Human Services, Services for
38 People with Disabilities, Developmental Disability Services, Community
39 Services, Adult Program Costs -- The Department is requested to periodically
40 survey all individuals on the comprehensive services waiting list to determine
41 when each individual will need comprehensive services. The Department is
42 requested to complete the next survey no later than June 2007, and to report the
43 results no later than in the submission of the FY 2008-09 budget request to the
44 Joint Budget Committee.

45

46 I vetoed this footnote last year. This footnote violates the separation of powers
47 in Article III of the Colorado Constitution by dictating the content and format
48 of the executive budget request. In addition, this footnote may violate Article
49 V, Section 32 because it constitutes substantive legislation that cannot be
50 included in the general appropriations bill. I will direct the department to
51 comply to the extent feasible.

52

53 **49. Footnote 67, page 116:** Department of Human Services, Services for
54 People with Disabilities, Developmental Disability Services, Community
55 Services, Adult Program Costs -- The purpose of this line item is to fund
56 comprehensive residential services for adults with developmental disabilities,

1 supported living services for adults with developmental disabilities, case
2 management services for children and adults with developmental disabilities,
3 and selected special purpose activities including costs associated with audits,
4 behavior pharmacology clinics, and consumer screening for certain placements.
5 The Department is requested to include information on the allocation of
6 expenditures and the number of resources funded by the line item as part of its
7 November 1 budget submission and to provide updates when requested by the
8 General Assembly.

9
10 I vetoed this footnote last year. This footnote violates the separation of powers
11 in Article III of the Colorado Constitution by dictating the content and format
12 of the executive budget request. In addition, this footnote may violate Article
13 V, Section 32 because it constitutes substantive legislation that cannot be
14 included in the general appropriations bill. I will direct the department to
15 comply to the extent feasible.

16
17 **50. Footnote 68, page 116:** Department of Human Services, Services for
18 People with Disabilities, Developmental Disability Services, Community
19 Services, Adult Program Costs; Services for Children and Families, Program
20 Funding -- The Department is requested to provide a report to the Joint Budget
21 Committee by November 1, 2006, concerning the distribution of new adult
22 comprehensive resources, adult supported living service resources, and
23 children's early intervention resources provided effective April 1, 2006. It is the
24 intent of the General Assembly that, in distributing such new resources, the
25 Department take into consideration, among other factors, the need to reduce
26 inequities among community centered boards in rates paid by the State and
27 numbers of resources allocated per capita of the general population.

28
29 I previously vetoed this footnote. This footnote is in violation of the Colorado
30 Constitution, Article III and possibly Article V, Section 32, because it interferes
31 with the ability of the executive branch to administer the appropriation and may
32 constitute substantive legislation that cannot be included in an appropriations
33 bill. While I agree with the need to reduce inequities among community
34 centered boards, this footnote represents an unfunded administrative mandate.
35 However, I will instruct the department to comply to the extent feasible.

36
37 **51. Footnote 69, page 116:** Department of Human Services, Services for
38 People with Disabilities, Developmental Disability Services, Community
39 Services, Preventive Dental Hygiene -- The purpose of this appropriation is to
40 assist the Colorado Foundation of Dentistry in providing special dental services
41 for persons with developmental disabilities.

42
43 I vetoed this footnote last year. This footnote attempts to administer the
44 appropriation and violates the separation of powers. I will direct the department
45 to comply with the footnote to the extent feasible.

46
47 **52. Footnote 70, page 117:** Department of Human Services, Services for
48 People with Disabilities, Developmental Disability Services, Services for
49 Children and Families, Program Funding -- The purpose of this line item is to
50 fund early intervention services, family support services, children's extensive
51 support services, and selected special purpose activities to assist children with
52 developmental disabilities and their families. The Department is requested to
53 include information on the allocation of expenditures and the number of
54 resources funded by the line item as part of its November 1 budget submission
55 and to provide updates when requested by the General Assembly.

56

1 This footnote violates the separation of powers in Article III of the Colorado
2 Constitution by dictating the content and format of the executive budget
3 request. I will direct the department to comply to the extent feasible.
4

5 **53. Footnote 71, page 117:** Department of Human Services, Services for
6 People with Disabilities, Developmental Disability Services, Services for
7 Children and Families, Federal Special Education Grant for Infants, Toddlers,
8 and Their Families (Part C) -- The Department is requested to provide to the
9 Joint Budget Committee information concerning the expenditure of federal
10 funds provided pursuant to Part C of the federal "Individuals with Disabilities
11 Education Act" for the most recent state fiscal year. Such information is
12 requested to include sufficient detail to identify expenditures related to the
13 provision of direct services, by type of service. The Department is also
14 requested to provide a report by November 1, 2006, on the impacts of the
15 transition of the Part C Program from the Department of Education to the
16 Department of Human Services, including the impact on program
17 administration, allocation of funds, and children requiring early intervention
18 services and their families.
19

20 I have vetoed similar footnotes in prior years. The General Assembly has no
21 authority to appropriate these federal funds. Furthermore, this footnote is in
22 violation of the Colorado Constitution, Article III and possibly Article V,
23 Section 32, because it interferes with the ability of the executive branch to
24 administer the appropriation and may constitute substantive legislation that
25 cannot be included in the general appropriations bill. I will instruct the
26 department to comply to the extent feasible.
27

28 **54. Footnote 72, page 117:** Department of Human Services, Services for
29 People with Disabilities, Division of Vocational Rehabilitation, Rehabilitation
30 Programs -- Local Funds Match -- The Department is requested to provide a
31 report to the Joint Budget Committee, by November 1, 2006, that details
32 deferred cash and cash exempt revenue on its books as of the close of FY 2005-
33 06 and that outlines the Department's plan for spending down any such deferred
34 revenue over several years.
35

36 This footnote is in violation of the Colorado Constitution, Article III and
37 possibly Article V, Section 32, because it interferes with the ability of the
38 executive branch to administer the appropriation and may constitute substantive
39 legislation that cannot be included in the general appropriations bill. I will
40 direct the Department to comply to the extent feasible.
41

42 **55. Footnote 73, page 117:** Department of Human Services, Services for
43 People with Disabilities, Division of Vocational Rehabilitation, Independent
44 Living Centers and State Independent Living Council -- The Department is
45 requested to provide a report to the Joint Budget Committee, by October 1,
46 2006, concerning the distribution of new General Fund support for independent
47 living centers that is provided effective April 1, 2006. The report is requested
48 to include information on: (1) how the new funding is proposed to be allocated
49 among the independent living centers in FY 2005-06, FY 2006-07 and future
50 years, taking into consideration catchment areas served and other relevant
51 factors; and (2) how the impact of such new funding is proposed to be
52 measured, including what data will be submitted by independent living centers
53 to demonstrate service outcomes.
54

55 This footnote is in violation of the Colorado Constitution, Article III and
56 possibly Article V, Section 32, because it interferes with the ability of the

1 executive branch to administer the appropriation and may constitute substantive
2 legislation that cannot be included in the general appropriations bill. I will
3 instruct the department to comply to the extent feasible.
4

5 **56. Footnote 77, page 118:** Department of Human Services, Services for
6 People with Disabilities, Homelake Domiciliary and State and Veterans Nursing
7 Homes, State and Veterans Nursing Homes, Nursing Home Consulting Services
8 -- This amount represents 80 percent of the projected cost of management
9 consulting services for the nursing homes for FY 2006-07. It is the intent of
10 General Assembly that the balance will be paid from the Nursing Homes
11 Program Costs line item, funded by resident and federal per diem payments.
12 The Department is requested to submit a report to the Joint Budget Committee
13 by January 15, 2007, assessing the benefits of the consulting services for the
14 nursing home system in light of the costs. The Joint Budget Committee
15 requests that the report provide recommendations as to whether some or all of
16 these services should be continued and specify time-frames for the nursing
17 homes to assume the full cost of consulting services.
18

19 This footnote is in violation of the Colorado Constitution, Article III and
20 possibly Article V, Section 32, because it interferes with the ability of the
21 executive branch to administer the appropriation and may constitute substantive
22 legislation that cannot be included in the general appropriations bill. I will
23 instruct the department to comply to the extent feasible.
24

25 **57. Footnote 78a, page 118:** Department of Human Services, Division of
26 Youth Corrections, Administration -- It is the intent of the General Assembly
27 that the Department provide a report to the Joint Budget Committee on
28 November 1, 2006 which tracks and compares recidivism rates between those
29 juveniles receiving drug and alcohol treatment and those not receiving
30 treatment, while sentenced to commitment.
31

32 This footnote is in violation of the Colorado Constitution, Article III and
33 possibly Article V, Section 32, because it interferes with the ability of the
34 executive branch to administer the appropriation and may constitute substantive
35 legislation that cannot be included in the general appropriations bill. I will
36 instruct the department to comply to the extent feasible.
37

38 **58. Footnote 95, page 155:** Department of Local Affairs, Division of Housing
39 -- The Division of Housing is requested to provide a report to the Joint Budget
40 Committee by November 1, 2006, on its efforts to eliminate regulatory barriers
41 to the construction of affordable housing in order to assist the Committee with
42 evaluating future appropriations. The report should include a review of the
43 types and prevalence of local regulatory barriers to affordable housing, a review
44 of the steps the Division of Housing is taking to reduce these barriers, and a
45 report on the effectiveness of the Division's efforts.
46

47 I vetoed this footnote last year. This footnote is in violation of the Colorado
48 Constitution, Article III and possibly Article V, Section 32, because it interferes
49 with the ability of the executive branch to administer the appropriation and may
50 constitute substantive legislation that cannot be included in the general
51 appropriations bill.
52

53 **59. Footnote 95a, page 155:** Department of Local Affairs, Division of Local
54 Government, Division of Emergency Management, Preparedness Grants and
55 Training -- The Department is requested to submit a report by May 10, 2006,
56 to the Local Government Committee of the House and of the Senate, detailing

1 the resolution of the issues identified in the federal Homeland Security
2 monitoring report dated January 10, 2006. The Department is further requested
3 to submit reports by June 30, 2006, and January 30, 2007, detailing the grants
4 awarded from federal homeland security funds.

5
6 This footnote violates the separation of powers in Article III of the Colorado
7 Constitution and could constitute substantive legislation in the general
8 appropriations bill in violation of Article V, Section 32 of the Colorado
9 Constitution. This directive applies to federal funds, which are not subject to
10 legislative appropriation. However, I will direct the department to comply to the
11 extent feasible.

12
13 **60. Footnote 100, pages 173-174:** Department of Natural Resources, Parks and
14 Outdoor Recreation, State Park Operations -- The Department is requested to
15 provide to the Joint Budget Committee a report detailing the cost allocations by
16 all specified funding sources to each state park and also to detail the respective
17 state parks' revenues from all sources. This report should also detail the
18 Department's long-term plans regarding the feasibility of seeking enterprise
19 status. Such a report should specifically examine how any plans to generate
20 additional cash revenues and increase self-sufficiency affect State Parks' ability
21 to meet statutory goals such as: (1) offering the greatest possible variety of
22 outdoor recreational opportunities to the people of the State; and (2)
23 continuously operating a program to acquire, develop, and maintain outdoor
24 recreation lands, waters, and facilities. This information is requested to be
25 provided to the Joint Budget Committee by no later than November 1, 2006.

26
27 This footnote is in violation of the Colorado Constitution, Article III and
28 possibly Article V, Section 32, because it interferes with the ability of the
29 executive branch to administer the appropriation and may constitute substantive
30 legislation that cannot be included in the general appropriations bill. However,
31 I will direct the Department to comply with the intent of the footnote to the
32 extent feasible.

33
34 **61. Footnote 100a, page 189:** Department of Personnel and Administration,
35 Central Services, Fleet Management and Motor Pool Services, Vehicle
36 Replacement Lease, Purchase or Lease/Purchase -- It is the intent of the General
37 Assembly that the Department make every effort possible to purchase or
38 lease/purchase flex fuel or hybrid vehicles, whenever possible.

39
40 This footnote is in violation of the Colorado Constitution, Article III and
41 possibly Article V, Section 32, because it interferes with the ability of the
42 executive branch to administer the appropriation and may constitute substantive
43 legislation that cannot be included in the general appropriations bill. However,
44 I will direct the department to comply to the extent feasible within cost and
45 usage constraints.

46
47 **62. Footnote 101, page 189:** Department of Personnel and Administration,
48 Central Services, Facilities Maintenance, Capitol Complex Facilities, Utilities;
49 Grand Junction State Services Building, Utilities; Camp George West, Utilities;
50 Finance and Procurement, Real Estate Services Program, Coordination of
51 Capital Construction, Controlled Maintenance Requests, and Building Lease
52 Review -- The Department of Personnel is requested to coordinate a statewide
53 review and summary of utility costs contained in the budget. This review
54 should include, but not necessarily be limited to, information on the steps taken
55 in FY 2005-06 and FY 2006-07 to address efficiencies in utility programs, areas
56 where the state can save money on utility expenditures through efficiencies,

1 where available, and a report on all utility cost savings contracts negotiated
2 through the statutory authority granted in section 24-30-2003, C.R.S. This
3 report should contain information on contracts entered into since FY 2004-05,
4 by department, the scope of the contract, including length and work performed,
5 and the cost savings that will be achieved as a result. The General Assembly
6 requests this information be submitted on November 1, 2006.

7
8 I vetoed this footnote last year. This footnote is in violation of the Colorado
9 Constitution, Article III and possibly Article V, Section 32, because it interferes
10 with the ability of the executive branch to administer the appropriation and may
11 constitute substantive legislation that cannot be included in the general
12 appropriations bill. However, I will direct the Department to provide the
13 information requested in the footnote to the extent feasible.

14
15 **63. Footnote 102, page 216:** Department of Public Health and Environment,
16 Hazardous Materials and Waste Management Division, Contaminated Site
17 Cleanups -- The Department is requested to submit a report on its CERCLA
18 program. This report is requested to include detailed expenditures for the
19 program, including out-year estimates by project and associated project
20 financing. The report should also include an analysis of long-term funding
21 needs of the State in responding to, litigating, and cleaning up CERCLA sites,
22 including estimated long-term maintenance costs for these sites. The report
23 should also provide information on the Hazardous Substance Response Fund
24 balance and out-year fiscal estimates. This report is requested to be provided
25 to the Joint Budget Committee by no later than November 1, 2006.

26
27 I vetoed this footnote last year. This footnote is in violation of the Colorado
28 Constitution, Article III and possibly Article V, Section 32, because it interferes
29 with the ability of the executive branch to administer the appropriation and may
30 constitute substantive legislation that cannot be included in the general
31 appropriations bill. Furthermore, this footnote requires a substantial dedication
32 of resources and constitutes an unfunded mandate. I will direct the department
33 to comply to the extent feasible.

34
35 **64. Footnote 105, page 217:** Department of Public Health and Environment,
36 Prevention Services Division, Prevention Programs, Chronic Disease and
37 Cancer Prevention Grants -- The General Assembly accepts no obligation to
38 continue funding for these programs when federal funds are no longer available.
39 Any match requirements for these federal grants are to be provided by non-state
40 sources. The Department is requested to document the sources of matching
41 funds, which documentation should be submitted to the Joint Budget
42 Committee annually with its budget request, to serve as proof of the required
43 state match for these federal dollars.

44
45 I vetoed this footnote last year. This footnote violates the separation of powers
46 in Article III of the Colorado Constitution by dictating the content and structure
47 of the executive budget submission. In addition, this footnote may violate
48 Article V, Section 32 because it constitutes substantive legislation that cannot
49 be included in the general appropriations bill. I will instruct the department to
50 comply with the intent of the footnote.

51
52 **65. Footnote 107, page 217:** Department of Public Health and Environment,
53 Prevention Services Division, Prevention Partnerships, Tony Grampas Youth
54 Services Program, Prevention Services Programs -- The Department is
55 requested to submit a report to the Joint Budget Committee on the Tony
56 Grampas Youth Services Program by October 20, 2006. This report should

1 include the following information for Fiscal Year 2005-06: (1) Names of all
2 applicants and the amount requested by each; (2) names of all grantees, amount
3 of each grantee's award, period covered by each grant, the number of years each
4 grantee has previously received grants, the number of persons served under the
5 grant, a brief description of the funded program; (3) an estimate of the amount
6 of time that grantees must devote to grant reporting requirements; and (4) the
7 number of site visits conducted by program staff.

8
9 I vetoed this footnote last year. This footnote is in violation of the Colorado
10 Constitution, Article III and possibly Article V, Section 32, because it interferes
11 with the ability of the executive branch to administer the appropriation and may
12 constitute substantive legislation that cannot be included in the general
13 appropriations bill. I will instruct the department to comply with the intent of
14 the footnote to the extent feasible.

15
16 **66. Footnote 108, page 217:** Department of Public Health and Environment,
17 Prevention Services Division, Family and Community Health, Child
18 Adolescent, and School Health, Nurse Home Visitor Program -- The
19 Department is requested to submit a report to the Joint Budget Committee with
20 regard to the amount of federal Medicaid funding being drawn by Nurse Home
21 Visitor-contracted agencies for providing Targeted Case Management services
22 to Medicaid-eligible families. The report should be submitted on or before
23 November 1, 2006. Reporting should include, but not be limited to: The
24 number of Medicaid-eligible clients served and the amount of Targeted Case
25 Management services billed.

26
27 I vetoed this footnote last year. This footnote is in violation of the Colorado
28 Constitution, Article III and possibly Article V, Section 32, because it interferes
29 with the ability of the executive branch to administer the appropriation and may
30 constitute substantive legislation that cannot be included in the general
31 appropriations bill. I will instruct the department to comply with the intent of
32 the footnote to the extent feasible.

33
34 **67. Footnote 109, page 231:** Department of Public Safety, Colorado State
35 Patrol -- The Department is requested to submit to the Joint Budget Committee
36 a detailed summary of FTE assigned to the field and to special programs on an
37 annual basis beginning on November 1, 2006. Each annual report should
38 include comparative information about the historical assignment of all
39 uniformed positions, vacant positions, State Patrol Academy graduates,
40 employee turnover (including service and disability retirements), and trooper
41 deployment.

42
43 I vetoed this footnote last year. This footnote violates the separation of powers
44 in Article III of the Colorado Constitution by dictating the format and content
45 of the executive budget submission. The General Assembly does not have the
46 authority to appropriate FTE. In addition, this footnote may violate Article V,
47 Section 32 because it constitutes substantive legislation that cannot be included
48 in the general appropriations bill. I will direct the department to comply with
49 the intent of the footnote.

50
51 **68. Footnote 111, page 232:** Department of Public Safety, Division of
52 Criminal Justice, Community Corrections, Day Reporting Center -- The
53 appropriation to this line item is intended to pay for day reporting services to an
54 average daily population of 175 offenders at an average cost of \$8.21 per
55 offender per day. It is further the intent of the General Assembly that the
56 Department of Public Safety be authorized to use the appropriation for this line

1 item to reimburse day reporting centers up to a maximum of \$9.50 per offender
2 per day for offenders who require additional day reporting services.
3

4 This footnote violates the separation of powers in Article III of the Colorado
5 Constitution by administering the appropriation. Additionally, this may violate
6 Article V, Section 32 because it constitutes substantive legislation that cannot
7 be included in a general appropriations bill. I will direct the department to
8 comply to the extent feasible.
9

10 **69. Footnote 112, page 239:** Department of Regulatory Agencies, Executive
11 Director's Office and Administrative Services -- The Department is requested
12 to submit a report to the Joint Budget Committee by October 1, 2006, on the
13 Office of Expedited Settlement within the Division of Registrations. The report
14 shall include quantitative measures that can be used to assess the program and
15 a recommendation, based on those measures, to continue, modify or discontinue
16 the program.
17

18 I vetoed this footnote last year. This footnote may violate Article V, Section 32
19 because it constitutes substantive legislation that cannot be included in the
20 general appropriations bill. In addition, this footnote essentially requires the
21 department to prepare a sunset review and report. Reports such as this have
22 separate authorizing statutory direction. Nonetheless, this information may be
23 useful, so I will direct the department to comply to the extent feasible.
24

25 **70. Footnote 113, page 252:** Department of Revenue, Executive Director's
26 Office -- As part of its FY 2007-08 budget request, the Department is requested
27 to provide a report to the Joint Budget Committee that assesses its indirect cost
28 recovery methodology including the accuracy of any underlying assumptions.
29 The Department should also analyze other indirect cost recovery methodologies
30 and determine whether a different methodology would prove more beneficial
31 or accurate. If a different methodology is determined to be more effective, the
32 Department should submit its FY 2007-08 budget request according to the
33 parameters of the new plan. The Department's report should also include any
34 over- and under-collections made by fund source during FY 2005-06.
35

36 This footnote violates the separation of powers in Article III of the Colorado
37 Constitution by dictating the format and content of the executive budget
38 request. In addition, it also violates the separation of powers by administering
39 the appropriation. I will direct the department to comply to the extent
40 practicable.
41

42 **71. Footnote 113a, page 253:** Department of Revenue, Executive Director's
43 Office, Leased Space; Division of Motor Vehicles, Driver and Vehicle Services,
44 Personal Services; and Operating Expenses -- It is the intent of the General
45 Assembly that five percent of the listed appropriations utilized for the purpose
46 of State driver's license offices be allocated toward the restoration of offices
47 closed for the sole purpose of saving General Fund in FY 2002-03.
48

49 This footnote is in violation of the Colorado Constitution, Article III and
50 possibly Article V, Section 32, because it interferes with the ability of the
51 executive branch to administer the appropriation and may constitute substantive
52 legislation that cannot be included in the general appropriations bill.
53 Additionally, this represents an unfunded mandate because it requires the
54 opening of offices without an additional appropriation. If the General
55 Assembly were interested in such a resource allocation, it would have made
56 such an appropriation in this budget. However, I will direct the Department to

1 continue to monitor and analyze wait times in existing offices and submit any
2 budget request it determines necessary and appropriate.

3
4 **72. Footnote 115, page 253:** Department of Revenue, Information Technology
5 Division -- The Department of Revenue is requested to consistently reflect
6 additional computer programming costs in fiscal notes for proposed legislation.
7 The Department is requested to meet with the Legislative Council fiscal note
8 staff and the Joint Budget Committee staff in an effort to continually revise and
9 update the policy of reflecting programming costs pertaining to legislation
10 enacted during the 2006 session. The Department is requested to submit, with
11 its November 2006 budget request for FY 2007-08, a memorandum explaining
12 its policy with respect to reflecting additional computer programming costs in
13 fiscal notes for legislation during the 2007 legislative session. The Department
14 is requested to submit a negative supplemental request for any estimated
15 savings associated with implementing legislation enacted during the 2006
16 legislative session.

17
18 I vetoed this footnote last year. This footnote violates the separation of powers
19 in Article III of the Colorado Constitution by dictating the format and content
20 of the executive budget request. In addition, this footnote may violate Article
21 V, Section 32 because it constitutes substantive legislation that cannot be
22 included in the general appropriations bill. I will direct the department to
23 comply to the extent practicable.

24
25 **73. Footnote 117, page 259:** Department of Transportation, Administration --
26 The Department is requested to complete state budget forms for Administration
27 personal services that provide information for each office or section within the
28 Administration line item. This information should be sufficiently detailed to
29 allow calculation for Option 8 purposes. PERA and Medicare is requested to
30 be provided by the individual section or office. Additionally, the Department
31 is also requested to include subtotals for salary and FTE for each of the offices
32 within the Administration line item information currently supplied.

33
34 I vetoed this footnote last year. The footnote violates separation of powers in
35 Article III of the Colorado Constitution by dictating the format and content of
36 the executive budget submission, and implies intent to appropriate FTE. In
37 addition, this footnote may violate Article V, Section 32 because it constitutes
38 substantive legislation that cannot be included in the general appropriations bill.
39 I will instruct the department to comply with the intent of the footnote.

40
41 **74. Footnote 117a, page 260:** Department of Transportation, Construction,
42 Maintenance, and Operations -- Using funds appropriated to the Colorado
43 Department of Transportation (CDOT), CDOT shall undertake and complete
44 a process that authorizes a specific class of signage for agriculture-related
45 tourism, as permitted under applicable Federal Highway Administration rules
46 and regulations, on applicable state and federal roads and highways. Prior to
47 finalizing such process, CDOT shall make a good faith effort to allow affected
48 stakeholders to comment on the signage program. Until CDOT develops an
49 agriculture tourism signage program, no funds shall be used by CDOT
50 personnel or its contractors to remove signs in state or federal right of ways that
51 promote agriculture-related tourism, if and only if the placement of such signs
52 are specifically sanctioned by the board of county commissioners in whose
53 jurisdiction the signage would be placed, subject to reasonable health, safety,
54 and aesthetic regulations established by such boards of commissioners. For the
55 purposes of this footnote, agriculture-related tourism shall include fruit and
56 vegetable stands, shops or venues.

1 This footnote is in violation of the Colorado Constitution, Article III and
 2 possibly Article V, Section 32, because it interferes with the ability of the
 3 executive branch to administer the appropriation and may constitute substantive
 4 legislation that cannot be included in the general appropriations bill. I
 5 recognize the importance of this issue and will direct the department to continue
 6 to work to find a resolution that satisfies the agricultural industry while still
 7 complying with state and federal law.

8
 9

SECTION 3: CAPITAL CONSTRUCTION

10

11 **1. Capital Construction. Footnote 2, page 292:** Capital Construction,
 12 Department of Natural Resources, Division of Wildlife -- It is the intent of the
 13 General assembly that the Division better inform members of the General
 14 Assembly regarding the purchase of property and easements. As soon as the
 15 Division starts to consider a property acquisition or easement in a given county,
 16 the Division is directed to contact all members of the General Assembly who
 17 represent any portion of the county where the proposed acquisition or easement
 18 is to occur. Such notification shall include the specific location of the property
 19 or easement to be acquired, the mechanism for funding the proposal and the
 20 justification for seeking the acquisition of easement.

21

22 I vetoed this footnote last year. This footnote violates the separation of powers
 23 in Article III of the Colorado Constitution by attempting to administer the
 24 appropriation. In addition, this footnote may violate Article V, Section 32
 25 because it constitutes substantive legislation that cannot be included in the
 26 general appropriations bill. I will direct the department to comply to the extent
 27 feasible.

28

29 **2. Section 3, Capital Construction Appropriation, Part IV, Department of**
 30 **Higher Education, (3) Western State College, (B) Capital Construction,**
 31 **page 273:**

32

	<u>Item & Subtotal</u>	<u>Capital Construction Funds Exempt</u>
34 Information		
35 Technology		
36 Infrastructure		
37 Improvement		
38 Project	\$375,665	\$375,665

39

40 **3. Section 3, Capital Construction Appropriation, Part IV, Department of**
 41 **Higher Education, (4) Colorado State University, (B) Capital Construction,**
 42 **page 274:**

43

	<u>Item & Subtotal</u>	<u>Capital Construction Funds Exempt</u>	<u>Cash Funds Exempt</u>
45 Clark Building			
46 Revitalization	\$4,000,000	\$2,000,000	\$2,000,000

47

48 **4. Section 3, Capital Construction Appropriation, Part IV, Department**
 49 **of Higher Education, (5) Fort Lewis College, (B) Capital Construction,**
 50 **page 274:**

51

	<u>Item & Subtotal</u>	<u>Capital Construction Funds Exempt</u>
53 Berndt Hall		
54 Reconstruction	\$1,100,000	\$1,100,000

55

1 **5. Section 3, Capital Construction Appropriation, Part IV, Department**
 2 **of Higher Education, (8) University of Colorado at Boulder, (B) Capital**
 3 **Construction, page 276:**

	<u>Item & Subtotal</u>	<u>Capital Construction Funds Exempt</u>	<u>Cash Funds Exempt</u>
4			
5			
6 Ekeley Sciences			
7 Middle Wing			
8 Renovation	\$2,678,945	\$2,411,050	\$267,895
9			
10 Ketchum Arts			
11 and Sciences			
12 Building Capital			
13 Renewal	\$930,531	\$930,531	
14			

15 The capital project appropriations outlined above total \$6.8 million Capital
 16 Construction Funds Exempt (CCFE) in FY 2006-07, with an additional \$29.4
 17 million CCFE required in FY 2007-08. If all of these projects go forward, the
 18 out-year costs would present an undue burden on the General Fund. While the
 19 General Assembly funded these projects, it was understood that I would make
 20 subsequent adjustments through the line item veto process to ensure that the
 21 new capital construction projects do not exceed funding capabilities. To this
 22 end, I have vetoed the capital projects outlined above.

23
 24 In addition, after discussions with representatives from Adams State College,
 25 the Plachy Hall Renovation and Addition is considered a one-phase project.
 26 For these reasons, I have exercised my power to veto certain portions of House
 27 Bill 06-1385.

28
 29 Sincerely,
 30 (signed)
 31 Bill Owens
 32 Governor

33
 34
 35
 36 **MESSAGE FROM THE SENATE**

37
 38 The Senate voted to concur in House amendments to SB06-204,
 39 SB06-037, SB06-008, SB06-041, and repassed the bills as amended.

40
 41 The Senate has laid SB06-066 over to May 11th, 2006.

42
 43 The Senate has voted not to concur in House Amendments to SB06-080,
 44 and requests that a Conference Committee be appointed. The President
 45 appointed Senators Tochtrop- Chair Williams, and Spence, as members
 46 of the First Conference Committee on the part of the Senate. The Senate
 47 granted permission to members of the First Conference Committee on
 48 SB06-080 to consider matters not at issue between the two houses. The
 49 bill is transmitted herewith.

50
 51 The Senate has postponed indefinitely HB06-1365. The bill is returned
 52 herewith.

53
 54
 55
 56

1 **APPOINTMENTS TO CONFERENCE COMMITTEE**

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9

The Speaker appointed House conferees to the First Conference Committee as follows:

6 **SB06-080**--Representatives Soper, Chairman, Gallegos and Hefley.

10 **LAY OVER OF CALENDAR ITEMS**

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On motion of Representative Soper, the following items on the Calendar were laid over until May 2, retaining place on Calendar:

15 Consideration of Special Orders--**SB06-114**.

16 Consideration of Third Reading--**HB06-1352**.

17 Consideration of General Orders--**SB06-089, HCR006-1002, 1012, SCR06-002, SB06-059, 122**.

19 Consideration of Conference Committee Reports--**HB06-1209, 1288**.

20 Consideration of Resolutions--**HJR06-1022, SJR06-020, HJR06-1031, SJR06-031, 032, 035, 050, HJR06-1034, SJR06-015, HJR06-1035**.

22 Consideration of Memorial--**SJM06-003**.

23 Consideration of Senate Amendments--**HB06-1125, 1386, 1281, 1086, 1161, 1127, 1293, 1124, 1046, 1072, 1157, 1147, 1277, 1314**.

25 Consideration of Adherence--**SB06-067**.

26 Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369, 1371, 1374, 1010, 1056, 1077, 1148, 1174, 1212, 1095, 1309**.

31 On motion of Representative Soper, the House adjourned until 9:00 a.m.,
32 May 2, 2006.

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Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk