

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

Fifty-sixth Legislative Day

Tuesday, March 7, 2006

- 1 Prayer by Pastor Curtis Miller, Worship Center, Brighton.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Jack McFadyen-Ray.
6
7 The roll was called with the following result:
8
9 Present--62.
10 Excused--Representative Sullivan--1.
11 Absent--Representatives Coleman, King--2.
12 Present after roll call--Representatives Coleman, Ki
13
14 The Speaker declared a quorum present.

16
17 On motion of Representative Knoedler, the reading of the journal of
18 March 6, 2006, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

- 25 The following bills were considered on Third Reading. The titles were
26 publicly read. Reading of the bill at length was dispensed with by
27 unanimous consent.
28
29 **HB06-1251** by Representative(s) Green; also Senator(s) Tochtrop--
30 Concerning a prohibition on price gouging.
31
32 The question being "Shall the bill pass?".
33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the bill
35 was declared **passed**.

	YES	33	NO	31	EXCUSED	01	ABSENT	00
38	Balmer	N	Decker	N	Larson	N	Pommer	Y
39	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
40	Berens	N	Gallegos	Y	Liston	N	Riesberg	Y
41	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
42	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
43	Buescher	N	Green	Y	Marshall	Y	Solano	Y

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

12 Co-sponsors added: Representatives Borodkin, Coleman, Frangas, Madden,
 13 Merrifield, Todd.

14

15

16 **HB06-1008** by Representative(s) Massey; also Senator(s) Isgar--
 17 Concerning reimbursement for supplemental on-line
 18 education courses, and making an appropriation therefor.
 19

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

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

24

YES	46	NO	18	EXCUSED	01	ABSENT	00	
26	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
27	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
28	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
29	Borodkin	Y	Garcia	N	Lundberg	N	Rose	Y
30	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
31	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
32	Butcher	Y	Hall	N	Massey	Y	Soper	Y
33	Cadman	N	Harvey	N	May	N	Stafford	Y
34	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	N
35	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
36	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
37	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
38	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	N
39	Coleman	Y	Kerr	N	Paccione	Y	Welker	N
40	Crane	N	King	N	Penry	Y	White	Y
41	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Benefield, Berens, Butcher, Coleman,
 44 Gallegos, Jahn, Merrifield, Pommer, Stafford, Todd.

45

46

47 **HB06-1154** by Representative(s) Berens, Cerbo, Rose, Sullivan, Todd;
 48 also Senator(s) Hanna--Concerning the issuance of
 49 heirloom certificates, and making an appropriation
 50 therefor.

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
 55 bill was declared **passed**.

56

	YES	46	NO	18	EXCUSED	01	ABSENT	00
1	Balmer	N	Decker	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
4	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
5	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
6	Buescher	N	Green	Y	Marshall	Y	Solano	Y
7	Butcher	Y	Hall	N	Massey	Y	Soper	Y
8	Cadman	N	Harvey	N	May	N	Stafford	N
9	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
10	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
11	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
12	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
13	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
14	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
15	Crane	N	King	N	Penry	Y	White	Y
16	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
17							Speaker	Y
18								

19 Co-sponsors added: Representatives Borodkin, Carroll M, Decker, Kerr,
20 Pommer.

21

22 **HB06-1351** by Representative(s) Rose, Buescher, Penry; also
23 Senator(s) Isgar--Concerning the continuation of the
24 statewide program for teen pregnancy and dropout
25 prevention.

26

27 The question being "Shall the bill pass?"

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

31

	YES	63	NO	01	EXCUSED	01	ABSENT	00
32	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
33	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
34	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
35	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
36	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
37	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
38	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
39	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
40	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
41	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
42	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
43	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
44	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
45	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
46	Crane	Y	King	Y	Penry	Y	White	Y
47	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
48							Speaker	Y
49								

50 Co-sponsors added: Representatives Berens, Borodkin, Boyd, Carroll M, Clapp,
51 Frangas, Hefley, Kerr, Marshall, Massey, May, Merrifield, Paccione, Ragsdale,
52 Stafford, Todd, Witwer.

53

54 **SB06-160** by Senator(s) Isgar; also Representative(s) Curry--
55 Concerning the membership of the governing board of a
56 local government retirement organization.

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

	YES	59	NO	05	EXCUSED	01	ABSENT	00
7	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
8	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
9	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
10	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
11	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N
12	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
13	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
14	Cadman	N	Harvey	Y	May	Y	Stafford	Y
15	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
16	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
17	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
18	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
19	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
20	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
21	Crane	Y	King	Y	Penry	Y	White	Y
22	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
23							Speaker	Y

24 Co-sponsor added: Representative Buescher.

25
 26 **SB06-062** by Senator(s) Taylor; also Representative(s) McKinley--
 27 Concerning electronic voting by certain electors who are
 28 absent from the state on election day.

29
 30 The question being "Shall the bill pass?"
 31 A roll call vote was taken. As shown by the following recorded vote, a
 32 majority of those elected to the House voted in the affirmative and the
 33 bill was declared **passed**.

	YES	47	NO	17	EXCUSED	01	ABSENT	00
36	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
37	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
38	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
39	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	Y
40	Boyd	Y	Gardner	Y	Madden	N	Schultheis	N
41	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
42	Butcher	Y	Hall	N	Massey	Y	Soper	Y
43	Cadman	N	Harvey	Y	May	N	Stafford	N
44	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	N
45	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
46	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
47	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
48	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
49	Coleman	Y	Kerr	N	Paccione	Y	Welker	Y
50	Crane	N	King	Y	Penry	N	White	Y
51	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Butcher, Gallegos, Todd.

54
 55

HB06-1356 by Representative(s) Judd; also Senator(s) Owen--
Concerning the exemption of certain licensed
professionals from the requirement to obtain a supervised
lender license in order to take assignment of supervised
loans in default, and, in connection therewith, specifically
exempting Colorado-licensed collection agencies and
attorneys from supervised lender licensing when taking
assignment of supervised loans in default.

¹⁰ The question being "Shall the bill pass?".

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

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

APPOINTMENT

37 The Speaker announced the following change in Committee made by
38 Representative May:

38 Representative Niemi.
39 Committee on Legislative Council--Representative Harvey to replace
40 Representative Stengel.

41
42 Pursuant to 2-3-101, CRS, the appointment was confirmed by the
43 following roll call vote:

44	YES	63	NO	01	EXCUSED	01	ABSENT	00
45	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
46	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
47	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
48	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
49	Boyd	Y	Gardner	Y	Madden	Y	Schlutheis	Y
50	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
51	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
52	Cadman	N	Harvey	Y	May	Y	Stafford	Y
53	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
54	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
55	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y

1	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
2	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
3	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
4	Crane	Y	King	Y	Penry	Y	White	Y
5	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
6							Speaker	Y
7								
8								
9								

REPORTS OF COMMITTEE OF REFERENCE

HEALTH & HUMAN SERVICES

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

SB06-005 be referred to the Committee of the Whole with favorable recommendation.

SB06-097 be referred to the Committee of the Whole with favorable recommendation.

SB06-121 be referred to the Committee of the Whole with favorable recommendation.

SB06-134 be referred to the Committee of the Whole with favorable recommendation.

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB06-1002, 1009, 1027, 1042, 1051, 1094** at 3:40 p.m., on March 6, 2006.

MESSAGE FROM THE SENATE

The Senate has passed on Third Reading and returns herewith HB06-1030.

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

SB06-038 amended as printed in Senate Journal, March 6, 2006.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, SB06-038.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 6th day of March, 2006, at 5:00 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

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

Ladies and Gentlemen:

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

HB06-1012 Concerning Absentee Ballots.

Approved March 6, 2006 at 4:17 p.m.

HB06-1014 Concerning The Authority Of The Department of Agriculture Over The Disposition Of Moneys Received From Other Sources.

Approved March 6, 2006 at 4:20 p.m.

HB06-1015 Concerning The Enactment Of Colorado Revised Statutes 2005 As The Positive And Statutory Law Of The State of Colorado.

Approved March 6, 2006 at 4:12 p.m.

Sincerely,
(Signed)
Bill Owens
Governor

INTRODUCTION OF RESOLUTION

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

HM06-1001 by Representative(s) Cadman--Memorializing former Representative Thomas Ratterree.

APPOINTMENT

The Speaker announced the following change in appointment:
Committee on Ethics--Representative Marshall to replace Representative T. Carroll.

1 House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

11 **HB06-1352** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14
15 Amend printed bill, page 2, strike lines 7 through 16 and substitute the
16 following:

17 "(e) A TERM OR CONDITION THAT ADDRESSES DECREASES IN
18 WATER QUALITY CAUSED BY A CHANGE OF TYPE OF USE OF MORE THAN
19 ONE THOUSAND ACRE-FEET OF CONSUMPTIVE USE OF WATER PER YEAR
20 THAT INCLUDES A CHANGE IN THE POINT DIVERSION, TAKING INTO
21 ACCOUNT ALL SOURCES OF POLLUTANT CONTRIBUTIONS, IF THE CHANGE
22 WOULD CONTRIBUTE TO AN EXCEEDANCE OF WATER QUALITY CRITERIA
23 ESTABLISHED BY THE WATER QUALITY CONTROL COMMISSION THAT ARE
24 IN EFFECT AT THE TIME OF THE DECREE FOR THE STREAM SEGMENT AT THE
25 ORIGINAL POINT OF DIVERSION. THE APPLICANT SHALL BE RESPONSIBLE
26 FOR ONLY THAT PORTION OF THE EXCEEDANCE ATTRIBUTABLE TO THE
27 PROPOSED CHANGE. ".

31
32 **HB06-1355** be amended as follows, and as so amended, be referred to
33 the Committee on Finance with favorable
34 recommendation:

35
36 Amend printed bill, page 2, line 6, strike "big horn" and substitute "big
37 horn BIGHORN":

39 line 8 strike "WHITE TAIL" and substitute "WHITE-TAILED"

40
41 Page 3, line 12, strike "big horn" and substitute "big horn RICHLORD";

42
According to the author, the first two books were written by him.

44

45 line 18, strike "WHITE",
46

47 line 19, strike TAIL and substitute WHITE-TAILED ;
48

49 line 20, strike "WHITE TAIL" and substitute "WHITE-TAILED".
50

51 Page 4, line 14, strike "BIG HORN" and substitute "BIGHORN

53 line 15, strike "WHITE TAIL" and substitute "WHITE-TAILED".

54
55

1 **SB06-132** be referred to the Committee of the Whole with favorable
2 recommendation.

3
4
5 **SB06-140** be referred to the Committee of the Whole with favorable
6 recommendation.

7
8
9
10 **BUSINESS AFFAIRS & LABOR**

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

13 **HB06-1158** be referred favorably to the Committee on Appropriations.

14
15 **HB06-1247** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18 Amend printed bill, page 17, strike lines 11 through 27.

19 Strike page 18.

20 Page 19, strike lines 1 through 5 and substitute the following:

21
22 **"applicable law.** (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
23 WHEN A TRANSACTION BEARS A REASONABLE RELATION TO THIS STATE
24 AND ALSO TO ANOTHER STATE OR NATION THE PARTIES MAY AGREE THAT
25 THE LAW EITHER OF THIS STATE OR OF SUCH OTHER STATE OR NATION
26 SHALL GOVERN THEIR RIGHTS AND DUTIES.

27
28 (b) IN THE ABSENCE OF AN AGREEMENT EFFECTIVE UNDER
29 SUBSECTION (a) OF THIS SECTION, AND EXCEPT AS PROVIDED IN
30 SUBSECTION (c) OF THIS SECTION, THE "UNIFORM COMMERCIAL CODE"
31 APPLIES TO TRANSACTIONS BEARING AN APPROPRIATE RELATION TO THIS
32 STATE.

33
34 (c) IF ONE OF THE FOLLOWING PROVISIONS OF THE "UNIFORM
35 COMMERCIAL CODE" SPECIFIES THE APPLICABLE LAW, THAT PROVISION
36 GOVERNS AND A CONTRARY AGREEMENT IS EFFECTIVE ONLY TO THE
37 EXTENT PERMITTED BY THE LAW SO SPECIFIED:".

38
39
40 **HB06-1314** be referred favorably to the Committee on State, Veterans,
41 & Military Affairs.

42
43
44 **HB06-1348** be referred to the Committee of the Whole with favorable
45 recommendation.

1 **INTRODUCTION OF BILL**
2 **First Reading**
3

4 The following bill was read by title and referred to the committees
5 indicated:

6
7 **SB06-038** by Senator(s) Tapia; also Representative(s) Knoedler--
8 Concerning investigation of insurance fraud, and making
9 an appropriation.
10 Committee on Business Affairs and Labor
11 Committee on Appropriations

12
13
14 **LAY OVER OF CALENDAR ITEMS**
15

16
17 On motion of Representative Madden, the following items on the
18 Calendar were laid over until March 8, retaining place on Calendar:

19
20 Consideration of Special Orders--**HB06-1281**.
21 Consideration of General Orders--**HB06-1193, 1066, 1335, SB06-033,**
22 **057, HB06-1338, SB06-093, HB06-1132, 1161, 1280, 1327, SB06-118,**
23 **HB06-1275, SB06-142.**
24 Consideration of Resolutions--**HJR06-1013, 1015, 1017, 1018,**
25 **SJR06-012.**
26 Consideration of Senate Amendments--**HB06-1040, 1175, 1033, 1048,**
27 **1187, 1068, 1059, 1039.**

28
29
30 On motion of Representative Marshall, the House adjourned until
31 9:00 a.m., March 8, 2006.

32
33 Approved:
34 ANDREW ROMANOFF,
35 Speaker

36 Attest:
37 MARILYN EDDINS,
38 Chief Clerk