

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

Thirteenth Legislative Day

Monday, January 23, 2006

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Representative Buescher.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Schultheis--1.

11 Present after roll call--Representative Schultheis.

12

13 The Speaker declared a quorum present.

14

15

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

19

20

REPORTS OF COMMITTEE OF REFERENCE

21

JUDICIARY

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

26

27 **HB06-1015** be referred to the Committee of the Whole with favorable
28 recommendation.

29

30

31 **HB06-1027** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34

35 Amend printed bill, page 3, strike lines 16 through 25 and substitute the
36 following:

37

38 "SECTION 4. **Effective date.** This act shall take effect July 1,
39 2007.

40

41 **SECTION 5. Safety clause.** The general assembly hereby finds,
42 determines, and declares that this act is necessary for the immediate
43 preservation of the public peace, health, and safety."

1 **HB06-1028** be amended as follows, and as so amended, be referred to
 2 the Committee on Appropriations with favorable
 3 recommendation:
 4

5 Amend corrected printed bill, page 2, line 16, after the second "in", insert
 6 "EACH OF";
 7

8 line 17, strike "county of Larimer," and substitute "~~county~~ COUNTIES of
 9 Larimer AND WELD,";

10
 11 line 18, strike "~~and Weld,~~" and substitute "~~and Weld,~~".
 12
 13

15 PRINTING REPORT

17 The Chief Clerk reports the following bills have been correctly printed:
 18 **HB06-1181, 1182, 1183, 1184, 1185.**
 19
 20

22 THIRD READING OF BILLS--FINAL PASSAGE

24 The following bills were considered on Third Reading. The titles were
 25 publicly read. Reading of the bill at length was dispensed with by
 26 unanimous consent.
 27

28 **HB06-1040** by Representative(s) Marshall, Coleman, Paccione; also
 29 Senator(s) Veiga--Concerning the sunset review of the
 30 functions of the division of insurance, and, in connection
 31 therewith, continuing the functions of the division relating
 32 to the issuance of certificates of authority for health and
 33 life insurers, adding the sunset review of the division's
 34 regulation of life insurance and health care coverage,
 35 broadening the sunset review of the regulation of property
 36 and casualty insurance, and requiring the division to track
 37 information pertaining to its compliance with the uniform
 38 certificate of authority application process.
 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**.
 44

45	YES	64	NO	00	EXCUSED	01	ABSENT	00
46	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
47	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
48	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
49	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
50	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	E
51	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
52	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
53	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
54	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
55	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
56	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 Co-sponsors added: Representatives Benefield, Berens, Borodkin, Madden,
8 Rose, and Vigil.

9
10 **HB06-1041** by Representative(s) Borodkin, Butcher, Carroll M.,
11 Knoedler, Liston, Massey, Paccione; also Senator(s)
12 Groff--Concerning continuation of the cost-benefit
13 analysis of proposed rules.

14
15 The question being "Shall the bill pass?".
16 A roll call vote was taken. As shown by the following recorded vote, a
17 majority of those elected to the House voted in the affirmative and the bill
18 was declared **passed**.

20	YES	63	NO	01	EXCUSED	01	ABSENT	00
21	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
22	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
23	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
24	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
25	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	E
26	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
27	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
28	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
29	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
30	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
31	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
32	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
33	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
34	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
35	Crane	Y	King	Y	Penry	Y	White	Y
36	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
37							Speaker	Y

38 Co-sponsors added: Representatives Benefield, Berens, Frangas, Marshall,
39 Penry, Rose, Todd, and White.

40
41 **HB06-1025** by Representative(s) Carroll M.; also Senator(s)
42 Hagedorn--Concerning concurrent legislative jurisdiction
43 over the real property constituting the Buckley Air Force
44 base.

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

51	YES	64	NO	00	EXCUSED	01	ABSENT	00
52	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
53	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
54	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
55	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
56	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	E

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

13 Co-sponsors added: Representatives Coleman, Decker, Gallegos, Garcia,
14 Lundberg, Stafford, and Todd.

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CONSIDERATION OF MEMORIAL

20

21 **HJM06-1001** by Representative(s) Buescher, Penry; also Senator(s)
22 Teck--Memorializing former Representative James "Jim"
23 M. Robb.

24

25 (Printed and placed in member's file)

26

27 The Speaker ordered the memorial read at length.

28

29 Representative Buescher introduced members of the family and guests
30 that were present.

31

32

33 Pursuant to House Rule 26(f) the House stood in recess to allow the
34 following former members to speak on behalf of the honorable James
35 "Jim" M. Robb: Governor Bill Owens

36

37

38

39

House reconvened.

40

41

42 On motion of Representative Buescher, the memorial was **adopted** by the
43 following roll call vote:

44

45	YES	63	NO	00	EXCUSED	02	ABSENT	00
46	Balmer	Y	Decker	Y	Larson	E	Pommer	Y
47	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
48	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
49	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
50	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
51	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
52	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
53	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
54	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
55	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
56	Cerbo	Y	Hoppe	Y	McGihon	E	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 Co-sponsors added: Roll call of the House.

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10

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

14

15

16

17

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

31

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

34

35 **HB06-1012** by Representative(s) Ragsdale; also Senator(s) Johnson--
36 Concerning absentee ballots.

37

38 Ordered engrossed and placed on the Calendar for Third Reading and
39 Final Passage.

40

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

53

54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.

56

1 **HB06-1016** by Representative(s) Lindstrom, Larson--Concerning the
 2 issuance of a temporary registration for commercial
 3 movers of household goods.
 4

5 Amendment No. 1, by Transportation & Energy Report, dated January
 6 19, 2005, and placed in member's bill file; Report also printed in House
 7 Journal, January 19, page 64.)
 8

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

12 **HB06-1039** by Representative(s) McFadyen, Larson, Pommer,
 13 Ragsdale; also Senator(s) Hagedorn, May R.--Concerning
 14 the placement of on-premise advertising devices at
 15 comprehensive developments.
 16

17 Amendment No. 1, by Transportation & Energy Report, dated January
 18 19, 2005, and placed in member's bill file; Report also printed in House
 19 Journal, January 19, pages 64-65.)
 20

21 As amended, ordered engrossed and placed on the Calendar for Third
 22 Reading and Final Passage.
 23

24 On motion of Representative Madden, the remainder of the General
 25 Orders Calendar (**HB06-1002**) was laid over until January 24, retaining
 26 place on Calendar.
 27

30 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

31
 32 Passed Second Reading: **HB06-1014, 1012, 1033, 1016 amended,**
 33 **1039 amended.**
 34

35 Laid over until date indicated retaining place on Calendar: **HB06-1002**
 36 --January 24, 2006.
 37

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

43	YES	62	NO	00	EXCUSED	01	ABSENT	02
44	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
45	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
47	Borodkin	-	Garcia	Y	Lundberg	Y	Rose	Y
48	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
49	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
50	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
51	Cadman	Y	Harvey	Y	May	Y	Stafford	E
52	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
53	Carroll T	Y	Hodge	Y	McFadyen	-	Sullivan	Y
54	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
55	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
56	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y

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

5
6
7 House in recess. House reconvened.
8
9

10 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

11
12 The Speaker has signed: **SJR06-001, 003.**
13

14 MESSAGE FROM THE SENATE

15
16
17 The Senate has adopted and returns herewith: HJM06- 1001.
18
19

20 INTRODUCTION OF BILLS

21 First Reading

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

26 **HB06-1186** by Representative(s) White, Cloer, Coleman, McCluskey,
27 Jahn, Green, King, Todd, Berens, Benefield, Butcher,
28 Hefley, Lindstrom, McFadyen, McKinley, Riesberg,
29 Weissmann; also Senator(s) Tochtrop, Tapia, Kester, Entz,
30 Jones, Mitchell, Sandoval, Taylor--Concerning
31 determination of eligibility for medical assistance.
32 Committee on Health and Human Services
33

34 **HB06-1187** by Representative(s) Paccione, Borodkin, Butcher, Carroll
35 M., Cerbo, Coleman, Liston, Marshall; also Senator(s)
36 Veiga--Concerning the continuation of the utility
37 consumers' board.
38 Committee on Business Affairs and Labor
39

40 **HB06-1188** by Representative(s) Lindstrom--Concerning the
41 requirement that mechanical conveyances be inspected in
42 accordance with a national safety standard.
43 Committee on Business Affairs and Labor
44

45 **HB06-1189** by Representative(s) Cadman; also Senator(s) Veiga--
46 Concerning civil actions brought against public entities
47 and employees to recover damages paid for injuries
48 governed by the "Colorado Governmental Immunity Act".
49 Committee on Judiciary
50

51 **HB06-1190** by Representative(s) Crane--Concerning strengthening
52 extradition laws.
53 Committee on Judiciary
54
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LAY OVER OF CALENDAR ITEMS

On motion of Representative Penry, the following items on the Calendar were laid over until January 24, 2006, retaining place on Calendar:

Consideration of Resolutions--**HJR06-1005, 1006.**

On motion of Representative Penry, the House adjourned until 9:00 a.m., January 24, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk