

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

Eighty-fifth Legislative Day

Wednesday, April 5, 2006

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
 2 Church, Denver.

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

5  
 6 Pledge of Allegiance led by Beth Reeves, Alexis Miller, Bailey Welch,  
 7 Courtney von Klinnggraeff, Rebecca von Klinnggraeff, Bethany Jesseph,  
 8 Mykala Cueto, Kayleigh Case, Micah Oats from Red Hawk Ridge  
 9 Elementary, Troop 2165, Aurora.

10  
 11 The roll was called with the following result:

12  
 13 Present--65.

14  
 15 The Speaker declared a quorum present.

16  
 17  
 18 On motion of Representative Penry, the reading of the journal of  
 19 April 4, 2006, was declared dispensed with and approved as corrected by  
 20 the Chief Clerk.

21  
 22  
 23  
 24 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

25  
 26 **HB06-1107** by Representative(s) Benefield, Cloer, Green, Larson,  
 27 Lindstrom, McFadyen, Solano, Sullivan, Vigil; also  
 28 Senator(s) Shaffer--Concerning the requirements  
 29 pertaining to the issuance of instruction permits to minors.

30  
 31 Representative Benefield moved that the First Conference Committee on  
 32 be granted permission to go beyond the scope of the difference between  
 33 the House and the Senate. The motion was passed by the following roll  
 34 call vote:

35  
 36

	YES	60	NO	04	EXCUSED	01	ABSENT	00
37	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
38	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
39	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
40	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
41	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
42	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
43	Cadman	N	Harvey	Y	Massey	Y	Soper	Y

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

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## CONSIDERATION OF RESOLUTION

16 **HR06-1008** by Representative(s) Jahn, Gallegos, Cloer, Kerr--  
 17 Concerning the appointment of an employee for the House  
 18 of Representatives of the Sixty-fifth General Assembly.

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

21  
 22 On motion of Representative Jahn, the resolution was **adopted** by **viva**  
 23 **voce** vote.

24  
 25 Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Cerbo,  
 26 Coleman, Frangas, Green, Hodge, Liston, Madden, McFadyen, McGihon, Plant,  
 27 Solano, Soper, Stafford, Todd, Witwer.

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28  
 29  
 30  
 31 On motion of Representative Madden, **HB06-1355, SB06-067, 195** were  
 32 added to the Special Orders Calendar on Wednesday, April 5, 2006.

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33  
 34  
 35 On motion of Representative Plant, the House resolved itself into  
 36 Committee of the Whole for consideration of Special Orders and he was  
 37 called to the Chair to act as Chairman.

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## SPECIAL ORDERS--SECOND READING OF BILLS

42  
 43 The Committee of the Whole having risen, the Chairman reported the  
 44 titles of the following bills had been read (reading at length had been  
 45 dispensed with by unanimous consent), the bills considered and action  
 46 taken thereon as follows:

47  
 48 (Amendments to the committee amendment are to the printed committee  
 49 report which was printed and placed in the members' bill file.)

50  
 51 **HB06-1352** by Representative(s) McFadyen, Buescher, Butcher,  
 52 Curry, Gallegos, Massey--Concerning an expansion of  
 53 water judges' jurisdiction to address the effects of a water  
 54 right adjudication on water quality.

1 Amendment No. 1, by Representative McFadyen.

2

3 Strike the Agriculture, Livestock, and Natural Resources Committee  
4 Report, dated March 6, 2006, and substitute the following:

5

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

8

9 "(e) A TERM OR CONDITION THAT ADDRESSES DECREASES IN  
10 WATER QUALITY CAUSED BY A CHANGE IN THE TYPE OF USE OF MORE THAN  
11 ONE THOUSAND ACRE-FEET THAT INCLUDES A CHANGE IN THE POINT OF  
12 DIVERSION, IF THE CHANGE WOULD CAUSE AN EXCEEDANCE OR  
13 CONTRIBUTE TO AN EXISTING EXCEEDANCE OF WATER QUALITY  
14 STANDARDS ESTABLISHED BY THE WATER QUALITY CONTROL COMMISSION  
15 PURSUANT TO SECTION 25-8-204, C.R.S., IN EFFECT AT THE TIME OF THE  
16 APPLICATION, OR, IF ORDERED BY THE COURT, SUBSEQUENTLY ADOPTED  
17 BY THE COMMISSION PRIOR TO THE ENTRY OF THE DECREE, FOR THE  
18 STREAM SEGMENT AT THE ORIGINAL POINT OF DIVERSION. UNDER ANY  
19 SUCH TERM OR CONDITION, THE APPLICANT SHALL BE RESPONSIBLE FOR  
20 ONLY THAT PORTION OF THE EXCEEDANCE ATTRIBUTABLE TO THE  
21 PROPOSED CHANGE. ANY SUCH TERM OR CONDITION SHALL NOT BE  
22 INCONSISTENT WITH THE "COLORADO WATER QUALITY CONTROL ACT",  
23 ARTICLE 8 OF TITLE 25, C.R.S., AND RULES PROMULGATED PURSUANT TO  
24 SAID ACT, AND IMPLEMENTATION OF SECTION 303 (d) OF THE FEDERAL  
25 "WATER POLLUTION CONTROL ACT" BY THE WATER QUALITY CONTROL  
26 DIVISION. THIS PARAGRAPH (e) SHALL NOT BE INTERPRETED TO CONFER  
27 STANDING ON ANY PERSON TO ASSERT INJURY WHO WOULD NOT  
28 OTHERWISE HAVE SUCH STANDING.".

29

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

32

33 **HB06-1347** by Representative(s) McGihon, Buescher, Boyd, Carroll  
34 T., Cerbo, Cloer, Decker, Liston, Madden, Penry,  
35 Riesberg, Stengel, Todd, White, Witwer; also Senator(s)  
36 Traylor, Shaffer, Gordon, Groff, Johnson, Kester,  
37 Mitchell, Wiens--Concerning creation of the "Identity  
38 Theft and Financial Fraud Deterrence Act".

39

40 Amendment No. 1, Judiciary Report, dated March 2, 2006, and placed in  
41 member's bill file; Report also printed in House Journal, March 6, page  
42 629.

43

44 Amendment No. 2, by Representative McGihon.

45

46 Amend printed bill, page 3, line 5, strike "TASK FORCE" and substitute  
47 "UNIT";

48

49 line 14, strike "TASK FORCE" and substitute "UNIT";

50

51 line 16, strike "TASK FORCE'S" and substitute "UNIT'S";

52

53 line 17, strike "TASK FORCE" and substitute "UNIT".

54

55 Page 4, line 9, strike "SEVEN" and substitute "NINE";

56

- 1 line 15, strike "FOUR" and substitute "SIX";  
2  
3 line 17, strike "AND";  
4  
5 line 18, strike "TWO" and substitute "THREE";  
6  
7 line 19, strike "ONE" and substitute "TWO";  
8  
9 line 20, strike "BANK." and substitute "BANK; AND";  
10  
11 after line 20, insert the following:  
12  
13       "(IV) A REPRESENTATIVE OF A PAYMENT PROCESSOR."  
14  
15 Page 5, line 16, strike "TASK FORCE" and substitute "UNIT".  
16  
17 Page 6, line 7, strike "**task force**" and substitute "**unit**";  
18  
19 line 9, strike "TASK FORCE" and substitute "UNIT";  
20  
21 line 11, strike "TASK FORCE" and substitute "UNIT. THE UNIT SHALL BE  
22 KNOWN IN THE DEPARTMENT AS THE "COLORADO FRAUD INVESTIGATOR'S  
23 UNIT".";  
24  
25 line 12, strike "TASK FORCE" and substitute "UNIT";  
26  
27 line 15, strike "TASK FORCE" and substitute "UNIT";  
28  
29 line 20, strike "TASK FORCE" and substitute "UNIT";  
30  
31 line 23, strike "TASK FORCE" and substitute "UNIT";  
32  
33 line 25, strike "TASK FORCE" and substitute "UNIT".  
34  
35 Page 7, line 5 strike "TASK" and substitute "UNIT";  
36  
37 line 6, strike "FORCE";  
38  
39 line 19, strike "TASK FORCE" and substitute "UNIT";  
40  
41 line 22, strike "TASK FORCE" and substitute "UNIT";  
42  
43 line 25, strike "TASK FORCE" and substitute "UNIT".  
44  
45 Page 8, line 3, strike "TASK FORCE" and substitute "UNIT";  
46  
47 line 6, strike "TASK FORCE" and substitute "UNIT";  
48  
49 line 8, strike "TASK FORCE" and substitute "UNIT";  
50  
51 line 9, strike "TASK" and substitute "UNIT";  
52  
53 line 10, strike "FORCE";  
54  
55 line 13, strike "TASK FORCE" and substitute "UNIT";  
56

- 1 line 15, strike "TASK FORCE" and substitute "UNIT";
- 2
- 3 line 18, strike "TASK FORCE'S" and substitute "UNIT'S";
- 4
- 5 line 21, strike "TASK FORCE'S" and substitute "UNIT'S";
- 6
- 7 line 24, strike "TASK FORCE;" and substitute "UNIT;" .
- 8
- 9 Page 9, line 12, strike "**Task force**" and substitute "**Unit**";
- 10
- 11 line 13, strike "TASK FORCE" and substitute "UNIT";
- 12
- 13 line 16, strike "TASK FORCE." and substitute "UNIT.";
- 14
- 15 line 20, strike "TASK FORCE" and substitute "UNIT";
- 16
- 17 line 23, strike "TASK FORCE'S" and substitute "UNIT'S";
- 18
- 19 line 25, strike "TASK FORCE" and substitute "UNIT";
- 20
- 21 line 27, strike "TASK FORCE," and substitute "UNIT," and strike "TASK
- 22 FORCE'S" and substitute "UNIT'S".
- 23
- 24 Page 10, line 1, strike "TASK FORCE" and substitute "UNIT";
- 25
- 26 line 3, strike "TASK FORCE;" and substitute "UNIT;" ;
- 27
- 28 line 6, strike "TASK FORCE" and substitute "UNIT";
- 29
- 30 line 9, strike "TASK FORCE" and substitute "UNIT";
- 31
- 32 line 12, strike "TASK FORCE" and substitute "UNIT";
- 33
- 34 line 17, strike "TASK FORCE" and substitute "UNIT";
- 35
- 36 line 20, strike "TASK FORCE;" and substitute "UNIT;" ;
- 37
- 38 line 22, strike "TASK FORCE" and substitute "UNIT";
- 39
- 40 line 23, strike "TASK FORCE" and substitute "UNIT" .
- 41
- 42 Page 11, line 1, strike "TASK FORCE," and substitute "UNIT," ;
- 43
- 44 line 4, strike "TASK FORCE" and substitute "UNIT";
- 45
- 46 line 9, strike "TASK FORCE" and substitute "UNIT" .
- 47
- 48 Page 12, line 14, strike "JULY" and substitute "AUGUST";
- 49
- 50 line 21, strike "JULY" and substitute "AUGUST" .
- 51
- 52 Page 13, line 2, strike "JULY" and substitute "AUGUST";
- 53
- 54 line 12, strike "TASK FORCE" and substitute "UNIT" .
- 55
- 56 Page 14, line 1, strike "TASK FORCE" and substitute "UNIT" .

1 Amendment No. 3, by Representative McGihon.

2

3 Amend Amendment No. 2, by Representative McGihon, page 1054,  
4 strike lines 21 through 23 and substitute the following:

5

6 "line 11, strike ""TASK FORCE"" and substitute ""UNIT". THE UNIT SHALL  
7 BE KNOWN IN THE DEPARTMENT AS THE "COLORADO FRAUD  
8 INVESTIGATORS" UNIT.";"

9

10 Amendment No. 4, by Representatives Hall, Plant.

11

12 Amend printed bill, page 11, line 27, strike "THE".

13

14 Page 12, strike lines 1 and 2.

15

16 Page 14, after line 2, insert the following:

17

18 **"SECTION 4. Appropriation.** In addition to any other  
19 appropriation, there is hereby appropriated, out of any moneys in the  
20 Colorado identity theft and financial fraud cash fund created in section  
21 24-33.5-1707, Colorado Revised Statutes, not otherwise appropriated, to  
22 the department of public safety, for the fiscal year beginning July 1, 2006,  
23 the sum of three hundred seventy-eight thousand four hundred thirty-five  
24 dollars (\$378,435) and 3.5 FTE, or so much thereof as may be necessary,  
25 for the implementation of this act."

26

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

29

30 **HB06-1355** by Representative(s) McKinley, Rose; also Senator(s)  
31 Isgar--Concerning the consolidation of procedures  
32 regulating the auction of certain big game hunting  
33 licenses, and, in connection therewith, consolidating the  
34 procedures regulating the raffle of hunting licenses for  
35 sheep, goats, moose, deer, elk, and pronghorn.

36

37 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
38 dated March 6, 2006, and placed in member's bill file; Report also printed  
39 in House Journal, March 7, page 640.

40

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

43

44 **SB06-067** by Senator(s) Shaffer; also Representative(s) Kerr--  
45 Concerning suicidal behavior among students in higher  
46 education.

47

48 Amendment No. 1, Education Report, dated March 16, 2006, and placed  
49 in member's bill file; Report also printed in House Journal, March 17,  
50 pages 818-819.

51

52 Amendment No. 2, by Representative Paccione.

53

54 Amend the Education Committee Report, dated March 16, 2006, page 1,  
55 strike line 10 and substitute ""INSTITUTION SHALL HAVE EITHER A SUICIDE  
56 PREVENTION PROGRAM OR POLICY OR"".

1 Amendment No. 3, by Representative Kerr J.

2

3 Amend reengrossed bill, page 5, line 7, after "FORM.", add "NOTHING IN  
4 THIS SECTION SHALL BE CONSTRUED TO ALTER OR AMEND ANY PROVISION  
5 OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF  
6 TITLE 24, C.R.S."

7

8 Amendment No. 4, by Representative Kerr J.

9

10 Amend reengrossed bill, page 2, line 20, strike "**Limited**  
11 **implementation**" and substitute "**Implementation**".

12

13 Page 4, after line 25, insert the following:

14

15 "(6) THE PROVISIONS OF THIS ARTICLE SHALL APPLY ONLY TO  
16 STUDENTS ENROLLED AT A STATE INSTITUTION IN AN UNDERGRADUATE  
17 PROGRAM LEADING TOWARD A BACHELOR'S DEGREE OR ASSOCIATE  
18 DEGREE, OR ANY NONDEGREE PROGRAM PROVIDING TRAINING FOR  
19 EMPLOYMENT IN A RECOGNIZED OCCUPATION."

20

21 Amendment No. 5, by Representative Marshall.

22

23 Amend reengrossed bill, page 2, line 16, strike ""STATE INSTITUTION""  
24 and substitute ""INSTITUTION"";

25

26 strike line 17 and substitute the following:

27

28 "EDUCATION, INCLUDING PRIVATE AND RELIGIOUS INSTITUTIONS OF  
29 HIGHER EDUCATION."

30

31 line 25, strike "STATE".

32

33 Page 3, line 16, strike "STATE";

34

35 line 20, strike "STATE";

36

37 line 22, strike "STATE";

38

39 line 25, strike "STATE".

40

41 Page 4, line 7, strike "STATE";

42

43 line 8, strike "STATE";

44

45 line 9, strike "STATE";

46

47 line 13, strike "STATE";

48

49 line 27, strike "STATE".

50

51 Page 5, line 3, strike "STATE".

52

53 Amendment No. 6, by Representative Carroll M.

54

55 Amend reengrossed bill, page 4, line 26, after "**liability.**", insert "(1)".

56

1 Page 5, after line 7, insert the following:

2

3 "(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE  
4 AFFIRMATIVE CONSENT FOR ANY PERMISSIVE OR MANDATORY REPORTING  
5 ALLOWED OR REQUIRED BY LAW."

6

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

9

10 **SB06-195** by Senator(s) Veiga; also Representative(s) Coleman--  
11 Concerning modifications to the "Colorado Employment  
12 Security Act" to conform with the requirements of federal  
13 law.

14

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

17

18 **SB06-071** by Senator(s) Veiga; also Representative(s) Massey--  
19 Concerning the increased regulation of agreements offered  
20 to a home owner in connection with foreclosure of the  
21 home owner's residence.

22

23 Amendment No. 1, by Representative Massey.

24

25 Amend reengrossed bill, page 2, line 25, strike "OR RESCIND".

26

27 Page 3, line 2, after "ASSEMBLY", insert "THAT ALL VIOLATIONS OF THIS  
28 PART 11 HAVE A SIGNIFICANT PUBLIC IMPACT AND";

29

30 strike lines 18 through 20 and substitute the following:

31

32 "(b) BY A DEED IN LIEU OF FORECLOSURE TO THE HOLDER OF AN  
33 EVIDENCE OF DEBT, OR AN ASSOCIATE OF THE HOLDER OF AN EVIDENCE OF  
34 DEBT, OF A CONSENSUAL LIEN OR ENCUMBRANCE OF RECORD IF SUCH  
35 CONSENSUAL LIEN OR ENCUMBRANCE IS RECORDED IN THE REAL PROPERTY  
36 RECORDS OF THE CLERK AND RECORDER OF THE COUNTY WHERE THE  
37 RESIDENCE IN FORECLOSURE IS LOCATED PRIOR TO THE RECORDING OF THE  
38 NOTICE OF ELECTION AND DEMAND FOR SALE REQUIRED UNDER SECTION  
39 38-38-101, C.R.S.;"

40

41 line 27, strike "ADOPTION;" and substitute "ADOPTION, OR FROM A  
42 GUARDIAN, CONSERVATOR, OR PERSONAL REPRESENTATIVE OF A PERSON  
43 IDENTIFIED IN THIS PARAGRAPH (f);".

44

45 Page 4, strike lines 9 and 10 and substitute the following:

46

47 "(3) "EVIDENCE OF DEBT" MEANS A WRITING THAT EVIDENCES A  
48 PROMISE TO PAY OR A RIGHT TO THE PAYMENT OF A MONETARY  
49 OBLIGATION, SUCH AS A PROMISSORY NOTE, BOND, NEGOTIABLE  
50 INSTRUMENT, A LOAN, CREDIT, OR SIMILAR AGREEMENT, OR A MONETARY  
51 JUDGMENT ENTERED BY A COURT OF COMPETENT JURISDICTION.";

52

53 strike lines 22 through 25 and substitute the following:

54

55 "(III) ASSIST THE HOME OWNER IN EXERCISING A RIGHT TO CURE  
56 A DEFAULT AS PROVIDED IN ARTICLE 38 OF TITLE 38, C.R.S.;



- 1 (IV) OBTAIN AN EXTENSION OF THE PERIOD WITHIN WHICH THE  
2 HOME OWNER MAY CURE A DEFAULT AS PROVIDED IN ARTICLE 38 OF TITLE  
3 38, C.R.S.;";  
4  
5 line 27, strike "TRUST OR MORTGAGE" and substitute "TRUST, MORTGAGE,  
6 OR OTHER LIEN".  
7  
8 Page 5, line 1, strike "TRUST OR" and substitute "TRUST, MORTGAGE, OR  
9 OTHER LIEN;";  
10  
11 strike line 2;  
12  
13 line 20, strike "AN INDIVIDUAL" and substitute "A PERSON";  
14  
15 line 21, strike "INDIVIDUAL'S" and substitute "PERSON'S";  
16  
17 line 23, strike "INDIVIDUAL'S" and substitute "PERSON'S";  
18  
19 line 25, strike "FORECLOSURE OR OTHERWISE FORECLOSED;" and substitute  
20 "FORECLOSURE;".  
21  
22 Page 6, line 12, strike "FOREGOING." and insert "FOREGOING;";  
23  
24 after line 12, insert the following:  
25  
26 "(IV) A PERSON ORIGINATING OR CLOSING A LOAN IN A PERSON'S  
27 NORMAL COURSE OF BUSINESS IF, AS TO THAT LOAN:  
28  
29 (A) THE LOAN IS SUBJECT TO THE REQUIREMENTS OF THE FEDERAL  
30 "REAL ESTATE SETTLEMENT PROCEDURES ACT", 12 U.S.C. SEC. 2601 TO  
31 2617; OR  
32  
33 (B) WITH RESPECT TO ANY SECOND MORTGAGE OR HOME EQUITY  
34 LINE OF CREDIT, THE LOAN IS SUBORDINATE TO AND CLOSED  
35 SIMULTANEOUSLY WITH A QUALIFIED FIRST MORTGAGE LOAN UNDER  
36 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV) OR IS INITIALLY  
37 PAYABLE ON THE FACE OF THE NOTE OR CONTRACT TO AN ENTITY  
38 INCLUDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b);".  
39  
40 Renumber succeeding subparagraphs accordingly.  
41  
42 Page 7, strike lines 6 and 7 and substitute the following:  
43  
44 "(6) "HOLDER OF EVIDENCE OF DEBT" MEANS THE PERSON IN  
45 ACTUAL POSSESSION OF OR OTHERWISE ENTITLED TO ENFORCE AN  
46 EVIDENCE OF DEBT; EXCEPT THAT "HOLDER OF EVIDENCE OF DEBT" DOES  
47 NOT INCLUDE A PERSON ACTING AS A NOMINEE SOLELY FOR THE PURPOSE  
48 OF HOLDING THE EVIDENCE OF DEBT OR DEED OF TRUST AS AN ELECTRONIC  
49 REGISTRY WITHOUT ANY AUTHORITY TO ENFORCE THE EVIDENCE OF DEBT  
50 OR DEED OF TRUST. THE FOLLOWING PERSONS ARE PRESUMED TO BE THE  
51 HOLDER OF EVIDENCE OF DEBT:  
52  
53 (a) THE PERSON WHO IS THE OBLIGEE OF AND WHO IS IN  
54 POSSESSION OF AN ORIGINAL EVIDENCE OF DEBT;  
55  
56

1 (b) THE PERSON IN POSSESSION OF AN ORIGINAL EVIDENCE OF DEBT  
2 TOGETHER WITH THE PROPER INDORSEMENT OR ASSIGNMENT THEREOF TO  
3 SUCH PERSON IN ACCORDANCE WITH SECTION 38-38-101 (6), C.R.S.;

4  
5 (c) THE PERSON IN POSSESSION OF A NEGOTIABLE INSTRUMENT  
6 EVIDENCING A DEBT, WHICH HAS BEEN DULY NEGOTIATED TO SUCH PERSON  
7 OR TO BEARER OR INDORSED IN BLANK; OR

8  
9 (d) THE PERSON IN POSSESSION OF AN EVIDENCE OF DEBT WITH  
10 AUTHORITY, WHICH MAY BE GRANTED BY THE ORIGINAL EVIDENCE OF  
11 DEBT OR DEED OF TRUST, TO ENFORCE THE EVIDENCE OF DEBT AS AGENT,  
12 NOMINEE, OR TRUSTEE OR IN A SIMILAR CAPACITY FOR THE OBLIGEE OF  
13 THE EVIDENCE OF DEBT.";

14  
15 strike lines 12 through 16 and substitute the following:

16  
17 "(8) "RESIDENCE IN FORECLOSURE" MEANS A RESIDENCE OR  
18 DWELLING, AS DEFINED IN SECTIONS 5-1-201 AND 5-1-301, C.R.S., THAT  
19 IS OCCUPIED AS THE HOME OWNER'S PRINCIPAL PLACE OF RESIDENCE AND  
20 AGAINST WHICH ANY TYPE OF FORECLOSURE ACTION HAS BEEN  
21 COMMENCED.";

22  
23 line 27, strike "OR RESCISSION".

24  
25 Page 8, line 8, strike "SIGNED" and substitute "SIGNED, WITH EACH PAGE  
26 BEING INITIALED,";

27  
28 line 26, strike "OR RESCIND".

29  
30 Page 9, line 3, strike "CANCELLATION OR RESCISSION," and substitute  
31 "CANCELLATION,";

32  
33 line 4, strike "OR";

34  
35 line 5, strike "RESCIND";

36  
37 line 10, strike "CANCELLATION OR RESCISSION," and substitute  
38 "CANCELLATION,";

39  
40 line 11, after "MONEY", insert "ACTUALLY";

41  
42 line 25, strike "CANCELLATION OR RESCISSION"" and substitute  
43 "CANCELLATION"";

44  
45 line 26, strike "OR RESCISSION".

46  
47 Page 10, line 6, strike "OR RESCISSION";

48  
49 line 11, strike "AND RESCIND";

50  
51 line 17, strike "OR RESCISSION";

52  
53 line 19, strike "OR";

54  
55 line 20, strike "RESCIND";

56

1 line 23, strike "**cancellation and rescission.**" and substitute  
2 "**cancellation.**";  
3  
4 strike line 24 and substitute the following:  
5  
6 "TO ANY RIGHT OF RESCISSION AVAILABLE UNDER STATE OR FEDERAL  
7 LAW,";  
8  
9 line 25, strike "OR RESCIND";  
10  
11 line 27, strike "OR RESCISSION".  
12  
13 Page 11, line 1, strike "OR RESCISSION";  
14  
15 line 7, strike "CANCELLATION OR RESCISSION," and substitute  
16 "CANCELLATION,";  
17  
18 line 10, strike "OR RESCISSION";  
19  
20 line 13, strike "OR RESCIND";  
21  
22 line 14, strike "OR RESCISSION";  
23  
24 line 16, strike "CANCELLATION OR RESCISSION," and substitute  
25 "CANCELLATION,";  
26  
27 line 18, strike "OR RESCISSION";  
28  
29 line 25, strike "OR RESCIND".  
30  
31 Page 13, line 18, strike "SHALL" and substitute "MAY".  
32  
33 Page 14, line 17, strike "AND RESCISSION".  
34  
35 Page 15, line 17, strike "18-5-102" and substitute "18-5-802".  
36  
37 Page 16, line 17, strike "SHALL SURVIVE" and substitute "SURVIVES";  
38  
39 line 19, strike "SHALL" and substitute "DOES";  
40  
41 line 22, strike "**Rescission - cancellation.**" and substitute  
42 "**Cancellation.**";  
43  
44 line 23, strike "OTHER RIGHT OF RESCISSION," and substitute "RIGHT OF  
45 RESCISSION AVAILABLE UNDER STATE OR FEDERAL LAW,";  
46  
47 line 25, strike "FIFTH" and substitute "THIRD".  
48  
49 Page 17, after line 9, insert the following:  
50 "(4) IN THE ABSENCE OF ANY WRITTEN NOTICE OF CANCELLATION  
51 FROM THE HOME OWNER, THE EXECUTION BY THE HOME OWNER OF A DEED  
52 OR OTHER INSTRUMENT OF CONVEYANCE OF AN INTEREST IN THE  
53 RESIDENCE IN FORECLOSURE TO THE EQUITY PURCHASER AFTER THE  
54 EXPIRATION OF THE RESCISSION PERIOD CREATES A REBUTTABLE  
55 PRESUMPTION THAT THE HOME OWNER DID NOT CANCEL THE CONTRACT  
56 WITH THE EQUITY PURCHASER.";

1 line 10, strike "**rescission or**";

2

3 line 22, strike "RESCISSION" and substitute "CANCELLATION".

4

5 Page 19, line 12, strike "SIXTY-DAY" and substitute "THIRTY-DAY";

6

7 line 13, strike "CONTRACT;" and substitute "CONTRACT AND SPECIFIES

8 THAT THE HOME OWNER MAY EXERCISE THIS RIGHT TO CURE ON AT LEAST

9 THREE SEPARATE OCCASIONS DURING SUCH RECONVEYANCE CONTRACT;";

10

11 after line 13, insert the following:

12

13 "(c) THE EQUITY PURCHASER FULLY ASSUMES OR DISCHARGES THE

14 LIEN IN FORECLOSURE AS WELL AS ANY PRIOR LIENS THAT WILL NOT BE

15 EXTINGUISHED BY SUCH FORECLOSURE, WHICH ASSUMPTION OR

16 DISCHARGE SHALL BE ACCOMPLISHED WITHOUT VIOLATION OF THE TERMS

17 AND CONDITIONS OF THE LIENS BEING ASSUMED OR DISCHARGED;".

18

19 Reletter succeeding paragraphs accordingly.

20

21 Page 19, strike lines 25 through 27 and substitute the following:

22

23 "(e) THE PRICE THE HOME OWNER MUST PAY TO EXERCISE THE

24 OPTION TO REPURCHASE THE RESIDENCE IN FORECLOSURE IS NOT

25 UNCONSCIONABLE. WITHOUT LIMITATION ON AVAILABLE CLAIMS UNDER

26 SECTION 6-1-1119, A REPURCHASE PRICE EXCEEDING TWENTY-FIVE

27 PERCENT OF THE PRICE AT WHICH THE EQUITY PURCHASER ACQUIRED THE

28 RESIDENCE IN FORECLOSURE CREATES A REBUTTABLE PRESUMPTION THAT

29 THE RECONVEYANCE CONTRACT IS UNCONSCIONABLE. THE ACQUISITION

30 PRICE PAID BY THE EQUITY PURCHASER MAY INCLUDE ANY ACTUAL COSTS

31 INCURRED BY THE EQUITY PURCHASER IN ACQUIRING THE RESIDENCE IN

32 FORECLOSURE.".

33

34 Page 21, line 25, strike "SHALL" and substitute "MAY".

35

36 As amended, ordered revised and placed on the Calendar for Third

37 Reading and Final Passage.

38

39 On motion of Representative Madden, the remainder of the Special

40 Orders Calendar (**HB06-1280**) was laid over until April 6, retaining place

41 on Calendar.

42

43

#### 44 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

45

46 Representatives Harvey, Hoppe, May, Cadman, Ragsdale, Todd, and

47 Soper moved to amend the Report of the Committee of the Whole to

48 show that **HB06-1352**, as amended, did not pass.

49

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

51

52	YES	32	NO	33	EXCUSED	00	ABSENT	00
53	Balmer	Y	Frangas	N	Larson	N	Pommer	N
54	Benefield	N	Gallegos	N	Lindstrom	N	Ragsdale	Y
55	Berens	Y	Garcia	Y	Liston	Y	Riesberg	N
56	Borodkin	N	Gardner	Y	Lundberg	Y	Rose	Y

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

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

18 Passed Second Reading: **HB06-1352 amended, 1347 amended, 1355**  
 19 **amended, SB06-067 amended, 195, 071 amended.**

21 Laid over until date indicated retaining place on Calendar: **HB06-1280--**  
 22 **April 6, 2006.**

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

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

### REPORTS OF COMMITTEES OF REFERENCE

#### EDUCATION

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

55 **SB06-203** be referred to the Committee of the Whole with favorable  
 56 recommendation.

1 **SB06-204** be referred to the Committee of the Whole with favorable  
 2 recommendation.  
 3

4  
 5 **SB06-205** be referred to the Committee of the Whole with favorable  
 6 recommendation.  
 7

8  
 9  
 10  
 11 **LOCAL GOVERNMENT**

12 After consideration on the merits, the Committee recommends the  
 13 following:  
 14

15 **SB06-047** be referred favorably to the Committee on Finance.  
 16

17  
 18 **SB06-052** be referred to the Committee of the Whole with favorable  
 19 recommendation.  
 20

21  
 22 **SB06-068** be amended as follows, and as so amended, be referred to  
 23 the Committee of the Whole with favorable  
 24 recommendation:  
 25

26 Amend reengrossed bill, page 2, strike lines 11 through 15 and substitute  
 27 the following:  
 28

29 "ANY ANALOGOUS SUCCESSOR RULE."  
 30  
 31  
 32  
 33

34 **STATE, VETERANS, & MILITARY AFFAIRS**

35 After consideration on the merits, the Committee recommends the  
 36 following:  
 37

38 **SB06-090** be amended as follows, and as so amended, be referred to  
 39 the Committee of the Whole with favorable  
 40 recommendation:  
 41

42 Amend reengrossed bill, page 3, line 11, after "(a)", insert "(I)";  
 43

44 strike lines 15 through 19 and substitute the following:  
 45

46 "OFFICE IF THE ARRESTEE IS NOT HELD AT A DETENTION FACILITY. IF THE  
 47 ARRESTEE IS HELD AT A DETENTION FACILITY AND THE COUNTY SHERIFF  
 48 REASONABLY BELIEVES THAT THE ARRESTEE IS NOT LEGALLY PRESENT IN  
 49 THE UNITED STATES, THE SHERIFF SHALL REPORT SUCH ARRESTEE TO THE  
 50 FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.  
 51

52 (II) THIS SUBSECTION (2) SHALL NOT APPLY TO ARRESTEES WHO  
 53 ARE ARRESTED FOR A SUSPECTED ACT OF DOMESTIC VIOLENCE AS DEFINED  
 54 BY SECTION 18-6-800.3, C.R.S."  
 55

56 Page 4, line 1, before "GENERAL", insert "LEGISLATIVE COUNCIL OF THE";

1 after line 8, insert the following:

2

3

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

4

5

6

7

**SB06-172** be referred favorably to the Committee on Appropriations.

8

9

10

11

**PRINTING REPORT**

12

13

The Chief Clerk reports the following bills have been correctly printed:

14

**HB06-1390, 1391, 1392, 1393, 1394; HCR06-1004, 1005.**

15

16

17

House in recess. House reconvened.

18

19

20

21

**MESSAGE FROM THE SENATE**

22

23

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

24

25

26

HB06-1375 amended as printed in Senate Journal, April 4, 2006, pages 749-752, and amended on Third Reading, April 5, 2006, as printed in the Senate Journal,

27

28

29

HB06-1377 amended as printed in Senate Journal, April 4, 2006, pages 752-753.

30

31

32

33

34

**MESSAGE FROM THE REVISOR**

35

36

We herewith transmit:

37

Without comment, as amended, HB06-1375 and 1377.

38

39

40

41

**MESSAGE FROM THE GOVERNOR**

42

43

I certify I received the following on the 5th day of April, 2006, at 2:55 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

44

45

46

47

Marilyn Eddins,  
Chief Clerk of the House

48

49

April 5, 2006

50

51

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

52

53

54

55

56

1 Ladies and Gentlemen:  
2

3 I have the honor to inform you that I have approved and filed with  
4 the Secretary of State the following Acts:  
5

6 **HB06-1123** Concerning Situations In Which A Law Enforcement  
7 Officer Shall Take A Runaway Child Into Custody.  
8

9 Approved April 5, 2006 at 11:46 a.m.  
10

11 **HB06-1165** Concerning The Authority Of Local Governments To  
12 Install Safety Measures At Highway-Rail Grade Crossings  
13 In Order To Create Railroad Quiet Zones In Compliance  
14 With Federal Law.  
15

16 Approved April 5, 2006 at 12:55 p.m.  
17

18 **HB06-1183** Concerning Land Surveyors.  
19

20 Approved April 5, 2006 at 11:47 a.m.  
21

22 **HB06-1190** Concerning Strengthening Extradition Laws.  
23

24 Approved April 5, 2006 at 11:50 a.m.  
25

26 **HB06-1237** Concerning Defenses For Landowners In Premises  
27 Liability Actions.  
28

29 Approved April 5, 2006 at 11:51 a.m.  
30

31 **HB06-1335** Concerning The Amount Of Public Moneys Used On A  
32 Construction Contract That Triggers The Requirement  
33 That A Special District Publish Notice About The  
34 Contract.  
35

36 Approved April 5, 2006 at 11:53 a.m.  
37

38 Sincerely,  
39 (signed)  
40 Bill Owens  
41 Governor  
42

---

43  
44  
45  
46 **INTRODUCTION OF BILL**  
47 **First Reading**  
48

49 The following bill was read by title and referred to the committee  
50 indicated:  
51

52 **HB06-1395** by Representative(s) Buescher, Hall, Plant; also Senator(s)  
53 Keller, Owen, Tapia--Concerning residential child health  
54 care.  
55

56 Committee on Health and Human Services  
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**LAY OVER OF CALENDAR ITEMS**

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On motion of Representative Garcia, the following items on the Calendar were laid over until April 6, retaining place on Calendar:

- Consideration of General Orders--**SB06-051, HB06-1096, 1314, HCR06-1001, HB06-1322, SB06-114, 066, HB06-1111, 1302, 1366.**
- Consideration of Conference Committee Report--**SB06-145.**
- Consideration of Resolutions--**HJR06-1016, 1020, SJR06-013, 018, HJR06-1021**
- Consideration of Memorials--**SJM06-002, HJM06-1002.**
- Consideration of Senate Amendments--**HB06-1125.**
- Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369, 1371, 1374.**



On motion of Representative Riesberg, the House adjourned until 9:00 a.m., April 6, 2006.

Approved:  
ANDREW ROMANOFF,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk