

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

Fifty-eighth Legislative Day

Thursday, March 9, 2006

- 1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.
- 2
- 3 The Speaker called the House to order at 9:00 a.m.
- 4
- 5 Pledge of Allegiance led by Meri Bouzari, Morgan Dubois, Laura Foley,
- 6 Stephanie Kihm, Anne Lindsey, Tasha Osbon, Lauren Schmitt, Ellen
- 7 Singel, Cadette Girl Scout Troop 695, Centennial.
- 8
- 9 The roll was called with the following result:
- 10
- 11 Present--59.
- 12 Excused--Representatives Coleman, Green, Madden, Pommer,
- 13 Sullivan--5.
- 14 Absent--Representative Paccione--1.
- 15 Present after roll call--Representatives Coleman, Madden,
- 16 Paccione, Pommer.
- 17
- 18 The Speaker declared a quorum present.
- 19
- 20
- 21 On motion of Representative Knoedler, the reading of the journal of
- 22 March 8, 2006, was declared dispensed with and approved as corrected
- 23 by the Chief Clerk.
- 24
- 25
- 26
- 27 On motion of Representative Madden, **HB06-1335, SB06-033, 057,**
- 28 **HB06-1338, SB06-093, HB06-1132, 1161, 1280, 1327, SB06-118,**
- 29 **HB06-1275, SB06-142, 132, 140, HB06-1247, 1066, 1281, 1348,**
- 30 **SB06-005, 097, 121, 134, 032, HB06-1353, SB06-053, 074, 095** were
- 31 added to the Special Orders Calendar on Thursday, March 9, 2006.
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- 34 On motion of Representative Buescher, the House resolved itself into
- 35 Committee of the Whole for consideration of Special Orders and he was
- 36 called to the Chair to act as Chairman.
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SPECIAL ORDERS--SECOND READING OF BILLS

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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.)

HB06-1335 by Representative(s) Jahn; also Senator(s) Isgar--
Concerning the amount of public moneys used on a construction contract that triggers the requirement that a special district publish notice about the contract.

Amendment No. 1, Local Government Report, dated February 28, 2006, and placed in member's bill file; Report also printed in House Journal, February 28, page 591.

Amendment No. 2, by Representative Jahn.

Amend printed bill, page 2, strike lines 3 and 4 and substitute the following:

"is amended to read:";

strike lines 13 through 26.

Page 3, strike lines 1 through 14 and substitute the following:

"for work or material, or both, involving an expense of ~~twenty-five~~ SIXTY thousand dollars or more of public moneys. The special district may reject any and all bids, and, if it appears that the special district can perform the work or secure material for less than the lowest bid, it may proceed to do so."

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

SB06-033 by Senator(s) Owen; also Representative(s) Coleman--
Concerning the elimination of obsolete statutory language.

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

SB06-057 by Senator(s) Groff; also Representative(s) Riesberg--
Concerning creation of the missing senior citizen alert program.

Amendment No. 1, State, Veterans, & Military Affairs Report, dated February 28, 2006, and placed in member's bill file; Report also printed in House Journal, March 2, page 613.

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

1 **HB06-1338** by Representative(s) Plant; also Senator(s) Fitz-Gerald--
2 Concerning the inclusion of contiguous counties in the
3 regional transportation district.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 **SB06-093** by Senator(s) Tupa, Groff, Jones, Spence; also
9 Representative(s) Madden, Cadman, Decker, Hefley,
10 Knoedler, Lindstrom, Schultheis, Stafford, Crane, Green,
11 Liston, Lundberg, Todd--Concerning property used for
12 parking related to services provided by the regional
13 transportation district.
14

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

18 **HB06-1132** by Representative(s) Hoppe; also Senator(s) Isgar--
19 Concerning the disposition of animals impounded under
20 animal cruelty laws, and, in connection therewith,
21 authorizing the sale of such animals with the proceeds
22 applied to the cost of care of such impounded animals,
23 authorizing court hearings on the reasonableness of costs
24 associated with bonds to prevent the disposition of an
25 impounded animal, and authorizing the recovery of such
26 costs through restitution in criminal cases.
27

28 (Previously amended as printed in House Journal, February 17, page 388.)
29

30 Amendment No. 2, Appropriations Report, dated March 3, 2006, and
31 placed in member's bill file; Report also printed in House Journal,
32 March 3, page 618.
33

34 Amendment No. 3, by Representative Hoppe.
35

36 Amend printed bill, page 4, line 6, strike "THE REMAINING";
37

38 strike line 7 and substitute the following:
39

40 "IF THE OWNER OF THE ANIMAL IS CONVICTED OF CRUELTY TO ANIMALS
41 UNDER SECTION 18-9-202, ANIMAL FIGHTING UNDER SECTION 18-9-204, OR
42 UNLAWFUL OWNERSHIP OF A DANGEROUS DOG UNDER SECTION 18-9-204.5
43 OR IS FOUND BY COURT ORDER TO HAVE MISTREATED, NEGLECTED, OR
44 ABANDONED THE ANIMAL UNDER ARTICLE 42 OF TITLE 35, C.R.S., THE
45 REMAINING PROCEEDS, IF ANY, SHALL BE PAID TO THE IMPOUND AGENCY.
46 IF THE OWNER OF THE ANIMAL IS NOT CONVICTED OF SUCH CHARGES OR IS
47 NOT FOUND BY COURT ORDER TO HAVE SO MISTREATED, NEGLECTED, OR
48 ABANDONED THE ANIMAL, THE REMAINING PROCEEDS, IF ANY, SHALL BE
49 PAID OVER TO THE OWNER OF THE ANIMAL."
50

51 As amended, ordered engrossed and placed on the Calendar for Third
52 Reading and Final Passage.
53
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1 **HB06-1161** by Representative(s) Vigil, Massey; also Senator(s) Viega-
2 -Concerning the regulation of mortgage brokers, and, in
3 connection therewith, making an appropriation.
4

5 Amendment No. 1, Business Affairs and Labor Report, dated February
6 14, 2006, and placed in member's bill file; Report also printed in House
7 Journal, February 16, pages 362-364.
8

9 Amendment No. 2, Appropriations Report, dated March 3, 2006, and
10 placed in member's bill file; Report also printed in House Journal,
11 March 3, pages 618-619.
12

13 Amendment No. 3, by Representative Vigil.
14

15 Amend the Business Affairs and Labor Committee Report, dated
16 February 15, 2006, page 2, line 22, after "AGENTS,"; insert
17 "CONTRACTORS," and strike "ENTITIES;" and substitute "ENTITIES WHEN
18 MAKING OR BROKERING ANY MORTGAGE LOAN;".
19

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

23 A motion by Representative Madden that the Committee rise, report
24 progress and beg leave to sit again at 4:00 p.m., was adopted by
25 unanimous consent. (Continued on page 660.)
26

27
28 House reconvened.
29

30 The Committee of the Whole reported it had risen, reported progress and
31 would sit again at 4:00 p.m.
32

33 34 35 **REPORTS OF COMMITTEES OF REFERENCE**

36 **BUSINESS AFFAIRS & LABOR**

37 After consideration on the merits, the Committee recommends the
38 following:
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40
41 **HB06-1043** be postponed indefinitely.
42

43
44 **HB06-1331** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:
47

48 Amend printed bill, page 5, line 16, strike "JULY 1, 2006," and substitute
49 "JANUARY 1, 2007,".
50

51 Page 13, line 4, strike "JULY 1, 2006;" and substitute "JANUARY 1, 2007;"
52

53 line 6, strike "JULY 1, 2006." and substitute "JANUARY 1, 2007."
54

55 Page 16, after line 12, insert the following:
56

1 (o) SELLING, FRAUDULENTLY OBTAINING, OR FRAUDULENTLY
2 FURNISHING A LICENSE OR RENEWAL OF A LICENSE TO PRACTICE
3 LANDSCAPE ARCHITECTURE;

4
5 (p) PRACTICING LANDSCAPE ARCHITECTURE OR ADVERTISING,
6 REPRESENTING, OR HOLDING ONESELF OUT AS A LICENSED LANDSCAPE
7 ARCHITECT OR USING THE TITLE "LANDSCAPE ARCHITECT" OR "LICENSED
8 LANDSCAPE ARCHITECT" UNLESS THE PERSON IS LICENSED PURSUANT TO
9 THIS ARTICLE; OR

10
11 (q) OTHERWISE VIOLATING ANY PROVISION OF THIS ARTICLE."
12

13 Page 18, strike lines 10 through 19 and substitute the following:
14

15 **"12-71-113. Unauthorized practice - penalties - cease and**
16 **desist orders - injunctions.** (1) ANY PERSON WHO PRACTICES OR OFFERS
17 OR ATTEMPTS TO PRACTICE LANDSCAPE ARCHITECTURE WITHOUT AN
18 ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2
19 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
20 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
21 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
22 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.";

23
24 line 27, strike "A PROVISION OF".
25

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27
28 **HB06-1333** be postponed indefinitely.
29

30
31 **HB06-1342** be amended as follows, and as so amended, be referred to
32 the Committee on Appropriations with favorable
33 recommendation:
34

35 Amend printed bill, page 3, line 18, after the period, add "IF THE
36 EMPLOYEE DOES NOT APPEAR FOR A SCHEDULED IN-PERSON MEDIATION OR
37 DOES NOT MAKE HIMSELF OR HERSELF AVAILABLE FOR A SCHEDULED
38 MEDIATION HELD BY SOME OTHER FORM OF COMMUNICATION, FOR A
39 REASON OTHER THAN GOOD CAUSE AS DETERMINED BY THE DIRECTOR, THE
40 DIVISION MAY DISMISS THE COMPLAINT AND FOREGO ANY FURTHER
41 INVESTIGATION. IF, AFTER AN ATTEMPT TO MEDIATE A COMPLAINT, THE
42 DIVISION REPRESENTATIVE ASSIGNED TO SUPERVISE THE MEDIATION
43 DETERMINES THAT THE COMPLAINT BROUGHT FORWARD BY THE
44 COMPLAINANT IS FRIVOLOUS, THE DIVISION MAY DISMISS THE COMPLAINT
45 AND FOREGO ANY FURTHER INVESTIGATION.";

46
47 line 19, strike "FAILS," and substitute "FAILS AND THE COMPLAINT HAS
48 NOT BEEN DISMISSED BY THE DIVISION FOR A REASON SET FORTH IN
49 PARAGRAPH (a) OF THIS SUBSECTION (3).";

50
51 line 20, strike "SHALL" and substitute "SHALL, AT THE REQUEST OF THE
52 COMPLAINANT,".
53

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55

1 Page 5, after line 14, insert the following:

2

3 "(7) THE DIRECTOR, ON HIS OR HER OWN VOLITION, MAY INSTITUTE
4 AN ACTION OR INVESTIGATION UNDER THIS ARTICLE OR ARTICLE 6 OF THIS
5 TITLE AS SET FORTH IN SECTIONS 8-4-111 AND 8-6-105, BASED UPON
6 INFORMATION PRESENTED TO THE DIVISION."

7

8 Page 1, strike line 101 and substitute the following:

9

10 "**CONCERNING THE ENACTMENT OF A COMPLAINT PROCESS FOR ACTION**
11 **BY THE DIVISION OF LABOR FOR A VIOLATION OF COLORADO'S WAGE**
12 **LAWS IN ORDER TO AIDE IN THE PROCESS OF THE ENFORCEMENT OF**
13 **WAGE LAWS CURRENTLY ENFORCED BY THE DIVISION.**"

14

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16

17 **HB06-1346** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

21 Amend printed bill, page 2, line 11, strike "CHILD OF A DEPENDENT" and
22 substitute "CHILD:

23

24 (I) WHO IS FINANCIALLY DEPENDENT UPON AND HAS THE SAME
25 LEGAL RESIDENCE AS THE PARENT OF THE DEPENDENT; AND

26

27 (II) WHO IS THE CHILD OF A DEPENDENT";

28

29 line 12, strike "(14) AND A MINOR" and substitute "(14); OR

30

31 (III) WHO IS THE MINOR".

32

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36 **FINANCE**

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

39

40 **HB06-1296** be postponed indefinitely.

41

42

43 **HB06-1344** be amended as follows, and as so amended, be referred to
44 the Committee on Appropriations with favorable
45 recommendation:

46

47 Amend printed bill, page 10, line 18, strike "SEVEN" and substitute
48 "FIFTY-TWO";

49

50 strike lines 24 through 27 and substitute the following:

51

52 "DOMESTIC PARTNERSHIP CERTIFICATE FORM. OF THE FEES COLLECTED
53 PURSUANT TO THIS SUBSECTION (1), SEVEN DOLLARS PLUS ANY
54 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,
55 C.R.S., SHALL BE CREDITED TO THE VITAL STATISTICS RECORDS CASH
56 FUND CREATED PURSUANT TO SECTION 25-2-121, C.R.S., AND THE

1 REMAINDER OF THE FEES COLLECTED SHALL BE CREDITED TO THE CIVIL
2 RIGHTS DIVISION CASH FUND, CREATED IN SECTION 24-34-306.5, C.R.S.
3 BOTH PARTIES TO THE PROPOSED DOMESTIC".

4
5 Page 14, after line 6, insert the following:

6
7 **"SECTION 2.** Part 3 of article 34 of title 24, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10
11 **24-34-306.5. Civil rights division cash fund - creation.** THE
12 MONEYS COLLECTED PURSUANT TO SECTION 14-15-110, C.R.S., THAT
13 REPRESENT THE PORTION OF THE LICENSE FEE FOR DOMESTIC
14 PARTNERSHIPS ALLOCATED TO THE COLORADO CIVIL RIGHTS DIVISION
15 PURSUANT TO SECTION 14-15-110, C.R.S., SHALL BE TRANSMITTED TO THE
16 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CIVIL RIGHTS
17 DIVISION CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO
18 IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE
19 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
20 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE INVESTIGATION AND
21 HEARING OF ANY COMPLAINT OF DISCRIMINATION BASED UPON SPOUSAL
22 STATUS FILED WITH THE DIVISION BY A PERSON IN A DOMESTIC
23 PARTNERSHIP. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
24 PURPOSES OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER
25 AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
26 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
27 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
28 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
29 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
30 GENERAL FUND OR ANOTHER FUND."

31
32 Renumber succeeding sections accordingly.

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35
36 **HB06-1360** be referred favorably to the Committee on Appropriations.

37
38
39 **HB06-1361** be amended as follows, and as so amended, be referred to
40 the Committee on Appropriations with favorable
41 recommendation:

42
43 Amend printed bill, page 12, line 17, strike "C.R.S." and substitute
44 "C.R.S., BEGINNING IN THE 2006-07 FISCAL YEAR."

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49 **STATE, VETERANS, & MILITARY AFFAIRS**
50 After consideration on the merits, the Committee recommends the
51 following:

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53 **HB-1357** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Amend printed bill, page 2, line 14, after the period, add "NOTHING IN
2 THIS SUBPARAGRAPH (XIX) SHALL BE CONSTRUED TO PROHIBIT THE
3 INSPECTION OF MARRIAGE LICENSES OR MARRIAGE CERTIFICATES OR TO
4 OTHERWISE CHANGE THE STATUS OF THOSE LICENSES OR CERTIFICATES AS
5 PUBLIC RECORDS."
6
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8

9 **HJR06-1016** be amended as follows, and as so amended, be referred out
10 for final action.
11

12 Amend printed joint resolution, page 1, line 6, strike "**41.**" and substitute
13 "**42.**";
14

15 line 12, strike "ONLY".
16

17 Page 2, line 10, strike "BELONGS." and substitute "BELONGS; EXCEPT
18 THAT, WHERE SUCH AN INTEREST ARISES, NOTHING IN THIS PARAGRAPH (2)
19 SHALL BE CONSTRUED AS PROHIBITING A MEMBER FROM DISCLOSING SUCH
20 INTEREST AND NOT VOTING ON THE BILL, MEASURE, OR QUESTION."
21
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23

24 **SB06-079** be referred to the Committee of the Whole with favorable
25 recommendation.
26
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29 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

30
31 The Speaker has signed: **HB06-1180, 1319.**
32
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35 **MESSAGE FROM THE SENATE**

36
37 The Senate has passed on Third Reading and returns herewith
38 HB06-1069, HB06-1079.
39

40 The Senate has passed on Third Reading and transmitted to the Revisor
41 of Statutes:
42

43 SB06-129 amended as printed in Senate Journal, March 8, 2006,
44 page 436,

45 SB06-027 amended as printed in Senate Journal, March 8, 2006,
46 page 436,

47 SB06-020 amended as printed in Senate Journal, March 8, 2006,
48 page 436,

49 HB06-1143 amended as printed in Senate Journal, March 8, 2006,
50 pages 436 and 437,

51 HB06-1265 amended as printed in Senate Journal, March 8, 2006,
52 page 437.
53
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MESSAGE FROM THE REVISOR

1
2
3 We herewith transmit:
4 Without comment, as amended, HB06-1143 and 1265.
5 Without comment, as amended, SB06-129, 027, and 020.
6

INTRODUCTION OF BILLS
First Reading

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11
12 The following bills were read by title and referred to the committee
13 indicated:
14

15 **HB06-1368** by Representative(s) Plant, Buescher, Hall; also Senator(s)
16 Tapia, Keller, Owen--Concerning a supplemental
17 appropriation to the department of education.
18 Committee on Appropriations
19

20 **HB06-1369** by Representative(s) Plant, Buescher, Hall; also Senator(s)
21 Tapia, Keller, Owen--Concerning a supplemental
22 appropriation to the department of health care policy and
23 financing.
24 Committee on Appropriations
25

26 **HB06-1370** by Representative(s) Plant, Buescher, Hall; also Senator(s)
27 Tapia, Keller, Owen--Concerning a supplemental
28 appropriation to the department of higher education.
29 Committee on Appropriations
30

31 **HB06-1371** by Representative(s) Plant, Buescher, Hall; also Senator(s)
32 Tapia, Keller, Owen--Concerning a supplemental
33 appropriation to the department of human services.
34 Committee on Appropriations
35

36 **HB06-1372** by Representative(s) Plant, Buescher, Hall; also Senator(s)
37 Tapia, Keller, Owen--Concerning a supplemental
38 appropriation to the department of public health and
39 environment.
40 Committee on Appropriations
41

42 **HB06-1373** by Representative(s) Buescher, Hall, Plant; also Senator(s)
43 Tapia, Keller, Owen--Concerning construction of
44 improvements at the Colorado mental health institute in
45 Pueblo, and making an appropriation therefor.
46 Committee on Appropriations
47

48 **HB06-1374** by Representative(s) Plant, Buescher, Hall; also Senator(s)
49 Tapia, Keller, Owen--Concerning the funding of public
50 school capital construction, and, in connection therewith,
51 making appropriations to fund public school capital
52 construction for the 2005-06 fiscal year.
53 Committee on Appropriations
54
55

1 **HB06-1375** by Representative(s) Pommer; also Senator(s) Windels--
 2 Concerning the financing of public schools, and making an
 3 appropriation therefor.
 4 Committee on Education
 5 Committee on Appropriations

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House in recess. House reconvened.

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13 On motion of Representative Buescher, the House resolved itself into
 14 Committee of the Whole for continuation of consideration of Special
 15 Orders, and he returned to the Chair to act as Chairman.

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

19 (Continued from page 654)

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26 **SB06-118** by Senator(s) Williams; also Representative(s) Larson--
 27 Concerning amendments to the "Exceptional Children's
 28 Educational Act" to conform with the federal "Individuals
 29 with Disabilities Education Improvement Act of 2004".
 30 Amendment No. 1, Education Report, dated March 2, 2006, and placed
 31 in member's bill file; Report also printed in House Journal, March 3,
 32 pages 620-621.

29

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

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38 **SB06-142** by Senator(s) Tapia, Keller, Owen; also Representative(s)
 39 Hall, Buescher, Plant--Concerning the cap on the
 40 unobligated portion of the oil and gas conservation and
 41 environmental response fund.

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50 **HB06-1247** by Representative(s) Cerbo; also Senator(s) Grossman--
 51 Concerning the adoption of changes to the "Uniform
 52 Commercial Code" proposed by the national conference of
 53 commissioners on uniform state laws, and, in connection
 54 therewith, repealing and reenacting articles 1 and 7 of the
 55 "Uniform Commercial Code".

- 1 Amendment No. 1, Business Affairs and Labor Report, dated March 6,
2 2006, and placed in member's bill file; Report also printed in House
3 Journal, March 7, page 641.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
- 8 **HB06-1348** by Representative(s) Stafford--Concerning the regulation
9 of persons who provide for the final disposition of dead
10 human bodies in the course of business.
11
- 12 Referred to the Committee on Appropriations.
13
- 14 **SB06-032** by Senator(s) Jones; also Representative(s) Balmer--
15 Concerning in-state tuition for dependents of members of
16 the military.
17
- 18 Ordered revised and placed on the Calendar for Third Reading and Final
19 Passage.
20
- 21 **SB06-053** by Senator(s) Takis; also Representative(s) Lindstrom--
22 Concerning an expansion in the residential lot size for
23 which county governments are authorized to provide for
24 the removal of overgrown vegetation.
25
- 26 Ordered revised and placed on the Calendar for Third Reading and Final
27 Passage.
28
- 29 **SB06-095** by Senator(s) Taylor; also Representative(s) Hodge--
30 Concerning limitations on the transfer of property rights as
31 a means of qualifying electors in special district elections.
32
- 33 Ordered revised and placed on the Calendar for Third Reading and Final
34 Passage.
35
- 36 **HB06-1353** by Representative(s) Carroll T.; also Senator(s) Grossman--
37 -Concerning the development of standards for the
38 performance of competency evaluations in criminal cases.
39
- 40 Ordered engrossed and placed on the Calendar for Third Reading and
41 Final Passage.
42
- 43 **SB06-097** by Senator(s) Williams, Kester, Johnson, Evans, Shaffer;
44 also Representative(s) Berens, Todd, Green, Decker,
45 Sullivan--Concerning reports related to incidents at
46 licensed long-term care facilities.
47
- 48 Amendment No. 1, by Representative Berens.
49
- 50 Amend reengrossed bill, page 2, line 20, strike "FACILITY," and substitute
51 "FACILITY FOR THE MENTALLY RETARDED,".
52
- 53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.
55

1 **SB06-074** by Senator(s) Shaffer; also Representative(s) Berens--
2 Concerning the enforcement of county code requirements
3 pertaining to land use.
4

5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7

8 **HB06-1066** by Representative(s) Boyd; also Senator(s) Shaffer--
9 Concerning consumer protection for clients of private
10 child support collection agencies.
11

12 Amendment No. 1, Judiciary Report, dated February 23, 2006, and placed
13 in member's bill file; Report also printed in House Journal, February 24,
14 pages 520-530.
15

16 Amendment No. 2, by Representative Boyd.
17

18 Amend the Judiciary Committee Report, dated February 23, 2006, page
19 4, line 17, after "OF", insert "OR AS A RESULT OF ACTIONS TAKEN BY";
20

21 line 20, strike "BENEFITS;" and substitute "BENEFITS. IF THE COLLECTOR
22 DISCOVERS, OR IS NOTIFIED BY THE OBLIGEE OR THE FEDERAL, STATE, OR
23 COUNTY AGENCY, THAT A PAYMENT WAS COLLECTED THROUGH THE
24 EFFORTS OF A FEDERAL, STATE, OR COUNTY AGENCY, THE COLLECTOR
25 SHALL NOT ASSESS FEES ON THE PAYMENT. ANY FEES IMPROPERLY
26 RETAINED SHALL BE REFUNDED TO THE OBLIGEE WITHIN SEVEN BUSINESS
27 DAYS;";
28

29 line 23, after "REDIRECTING", insert "FROM THE OBLIGOR, THE OBLIGOR'S
30 EMPLOYER, OR ON THE BEHALF OF THE OBLIGOR";
31

32 line 24, strike "CURRENT" and strike "OR ARREARS".
33

34 Page 5, line 19, strike "CURRENT";
35

36 line 20, strike "OR ARREARS".
37

38 Page 6, strike lines 3 through 20 and substitute the following:
39

40 "(2) A COLLECTOR'S CONTRACT WITH AN OBLIGEE SHALL BE FOR
41 A SPECIFIC DOLLAR AMOUNT OF CHILD SUPPORT TO BE COLLECTED. THE
42 CONTRACT SHALL EXPLAIN IN EASY-TO-UNDERSTAND LANGUAGE HOW THE
43 AMOUNT IS TO BE CALCULATED AND MAY INCLUDE ANY STATUTORY
44 INTEREST TO WHICH THE OBLIGEE IS ENTITLED AND OTHER AMOUNTS
45 ORDERED BY THE COURT.
46

47 (3) A COLLECTOR MAY CHARGE A CONTINGENCY FEE FOR THE
48 COLLECTION OF CHILD SUPPORT THAT IS BASED ON A PERCENTAGE OF THE
49 TOTAL CHILD SUPPORT COLLECTED.
50

51 (4) THE MAXIMUM FEE THAT MAY BE CHARGED BY A COLLECTOR
52 AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION SHALL NOT EXCEED
53 THIRTY-FIVE PERCENT OF ANY AMOUNT COLLECTED."
54

55 Renumber succeeding subsections accordingly.
56

1 Page 6, strike lines 23 and 24.

2

3 Page 7, strike lines 17 through 21 and substitute the following:

4

5 "(a) A CLEAR AND ACCURATE EXPLANATION OF THE AMOUNT OF
6 CHILD SUPPORT THAT WILL BE COLLECTED;"

7

8 strike lines 24 through 30 and substitute the following:

9

10 "(c) A CLEAR AND ACCURATE EXPLANATION OF THE FEES THAT
11 WILL BE DEDUCTED AND AN EXAMPLE OF HOW THEY ARE DEDUCTED;"

12

13 Reletter succeeding paragraphs accordingly.

14

15 Page 8, strike lines 1 through 3.

16

17 Reletter succeeding paragraphs accordingly.

18

19 Page 8, line 11, strike "AND";

20

21 line 15, strike "TIME." and substitute "TIME WITHIN THIRTY DAYS OF
22 SIGNING THE CONTRACT OR AFTER ANY TWELVE CONSECUTIVE MONTHS IN
23 WHICH THE COLLECTOR FAILS TO MAKE A COLLECTION.";

24

25 strike lines 16 through 19 and substitute the following:

26

27 "(h) AN EXPLANATION THAT THE CONTRACT MAY BE IN EFFECT FOR
28 AN EXTENDED PERIOD OF TIME BECAUSE OF THE DIFFICULTY IN
29 ESTIMATING HOW LONG IT WILL TAKE TO COLLECT THE FULL AMOUNT OF
30 CHILD SUPPORT DUE UNDER THE CONTRACT; AND

31

32 (i) A STATEMENT THAT A COLLECTOR MAY NOT ASSESS FEES ON
33 COLLECTIONS ATTRIBUTABLE TO A FEDERAL, STATE, OR COUNTY AGENCY,
34 AND THAT FEES IMPROPERLY RETAINED SHALL BE REFUNDED WITHIN
35 SEVEN DAYS."

36

37 Page 9, line 26, strike "(1) IF AN OBLIGOR";

38

39 strike lines 27 through 30.

40

41 Renumber succeeding subsections accordingly.

42

43 Page 9, line 31, strike "IN";

44

45 line 32, "WRITING";

46

47 strike line 35 and substitute the following:

48

49 "BE PROVIDED TO THE OBLIGEE BY MAIL, TELEPHONE, OR SECURE
50 INTERNET CONNECTION. THE OBLIGEE SHALL REQUEST IN WRITING THE
51 PREFERRED METHOD THAT THE COLLECTOR SHOULD USE TO PROVIDE THE
52 ACCOUNTING TO THE OBLIGEE."

53

54 Page 10, strike lines 1 and 2;

55

56 line 4, strike "(2)" and substitute "(1)";

1 line 23, strike "CURRENT" and strike "AND ARREARS".

2

3 Page 11, strike line 23 through 25 and substitute the following:

4

5 "COLLECTOR AT ANY TIME WITHIN THIRTY DAYS OF SIGNING THE
6 CONTRACT OR AFTER ANY TWELVE CONSECUTIVE MONTHS IN WHICH THE
7 COLLECTOR FAILS TO MAKE A COLLECTION. THE NOTIFICATION OF
8 CANCELLATION SHALL BE IN WRITING AND SHALL BE EFFECTIVE UPON
9 RECEIPT OF THE NOTICE BY THE COLLECTOR. IF THE NOTIFICATION OF
10 CANCELLATION IS RECEIVED BY THE COLLECTOR SUBSEQUENT TO THE
11 THIRTY-DAY TIME PERIOD FOLLOWING THE SIGNING OF THE CONTRACT,
12 THE NOTIFICATION SHALL BE VALID IF POST-MARKED WITHIN THE
13 THIRTY-DAY TIME PERIOD."

14

15 Page 12, strike lines 6 through 11 and substitute the following:

16

17 (II) AFTER ANY TWELVE CONSECUTIVE MONTHS IN WHICH THE
18 PRIVATE CHILD SUPPORT COLLECTOR FAILS TO MAKE A COLLECTION; OR";

19

20 strike lines 15 through 19 and substitute the following:

21 "PARTY WHEN THE CONTRACT AMOUNT HAS BEEN COLLECTED."

22

23 Page 13, strike lines 13 and 14 and substitute the following:

24 "PROMULGATE RULES RELATED TO THE NOTICE REQUIRED TO BE";

25

26 line 15, strike "12-14.1-106 (2)," and substitute "12-14.1-106 (2)";

27

28 line 20, after "OFFERED", insert "AT MINIMAL OR NO COST";

29

30 line 21, strike "STATE, THE TYPES OF" and substitute "STATE;";

31

32 strike lines 22 and 23.

33

34 Page 14, strike lines 1 and 2 and substitute the following:

35 "ATTORNEY."

36

37 Amendment No. 3, by Representative Boyd.

38

39 Amend amendment No.2 by Representative Boyd, page 663, line 33,
40 strike "AGENCY," and substitute "AGENCY.";

41

42 line 34, strike "AND THAT FEES" and substitute "FEES";

43

44 line 35, after "SEVEN", insert "BUSINESS".

45

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

48

49 **SB06-140** by Senator(s) Taylor; also Representative(s) White--
50 Concerning changing the name of the division of minerals
51 and geology to the Colorado division of reclamation,
52 mining, and safety.

53

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

56

1 **SB06-005** by Senator(s) Windels, Kester, Takis; also
2 Representative(s) Solano, Jahn--Concerning mental health
3 services coverage under health benefit plans.
4

5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7

8 **HB06-1281** by Representative(s) Pommer; also Senator(s) Gordon--
9 Concerning the establishment of a program to demonstrate
10 the use of breakthrough advanced coal technology to
11 promote low-emitting coal-fueled electricity generation,
12 and, in connection therewith, making an appropriation.
13

14 Amendment No. 1, Transportation & Energy Report, dated February 15,
15 2006, and placed in member's bill file; Report also printed in House
16 Journal, February 16, page 377.
17

18 Amendment No. 2, Appropriations Report, dated February 24, 2006, and
19 placed in member's bill file; Report also printed in House Journal,
20 February 24, page 518.
21

22 Amendment No. 3, by Representative Penry.
23

24 Amend printed bill, page 5, strike lines 9 through 20 and substitute the
25 following:
26

27 "(e) (I) THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR
28 PUBLIC COMMENT AND EVIDENTIARY HEARING ON THE PUBLIC UTILITY'S
29 APPLICATION. IF THE COMMISSION GRANTS THE UTILITY A CERTIFICATE OF
30 PUBLIC CONVENIENCE AND NECESSITY FOR THE PROPOSED IGCC PROJECT,
31 THE COMMISSION SHALL ISSUE A DECLARATORY ORDER FOR COST
32 RECOVERY IN ACCORDANCE WITH PARAGRAPHS (f) AND (g) OF THIS
33 SUBSECTION (2). IN MAKING ITS DETERMINATION, THE COMMISSION SHALL
34 CONSIDER WHETHER THE PROJECT CAN BE CONSTRUCTED FOR REASONABLE
35 COST AND RATE IMPACT, TAKING INTO ACCOUNT THE BREAKTHROUGH
36 NATURE OF THE PROJECT.
37

38 (II) IN EVALUATING A PROJECT UNDER THIS SECTION, IN ADDITION
39 TO THE CONSIDERATIONS SET FORTH IN SUBSECTION (1) OF THIS SECTION,
40 THE COMMISSION SHALL CONSIDER THE FACTORS SET FORTH IN
41 PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (2) AND THE AMOUNT OF
42 FEDERAL, STATE, OR OTHER MONEYS AVAILABLE FOR THE PROJECT.
43 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE
44 COMMISSION TO MONETIZE THE POTENTIAL ENVIRONMENTAL BENEFITS
45 ASSOCIATED WITH A PROPOSED IGCC PROJECT.";
46

47 line 21, strike "(e)" and substitute "(f)";
48

49 line 25, strike "PROJECT." and substitute the following:
50

51 "PROJECT, NET OF ANY FEDERAL OR STATE FUNDS RECEIVED FOR SUCH
52 IGCC PROJECT. THE RATE ADJUSTMENT CLAUSE MAY BE TERMINATED BY
53 THE COMMISSION IF ALL OF THE PLANNING, DEVELOPMENT,
54 CONSTRUCTION, AND OPERATING COSTS OF THE IGCC PROJECT HAVE BEEN
55 INCLUDED IN THE PUBLIC UTILITY'S BASE RATES AS A RESULT OF A RATE
56 CASE FILED AFTER THE IGCC PLANT COMMENCES OPERATION.";

1 strike line 27 and substitute "USEFUL LIFE OF THE PROJECT."
2

3 Page 6, line 1, strike "SHORTER.";
4

5 line 2, strike "IGCC PROJECTS," and substitute "AN IGCC PROJECT,";
6

7 strike line 9 and substitute the following:

8 "(g) IF THE COMMISSION APPROVES THE UTILITY'S APPLICATION,
9 THE UTILITY SHALL BE ENTITLED TO";
10

11 line 11, strike "IT" and substitute "THE COMMISSION";
12

13 strike line 14 and substitute the following:

14 "PROJECT. DURING THE INITIAL STARTUP AND TESTING PERIOD, TO BE
15 DETERMINED BY THE COMMISSION AS PART OF THE APPLICATION FOR A
16 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, THE UTILITY SHALL
17 BE ENTITLED TO RECOVER THROUGH AN";
18

19 after line 21, insert the following:
20

21 "(h) FOLLOWING THE INITIAL STARTUP AND TESTING PERIOD, THE
22 PUBLIC UTILITY SHALL BE ENTITLED TO RECOVER THROUGH AN
23 ADJUSTMENT CLAUSE ANY ADDITIONAL COSTS FOR ELECTRICITY
24 PURCHASED AS A RESULT OF PLANNED AND UNPLANNED OUTAGES OF AN
25 IGCC PROJECT IN THE SAME MANNER, AND UNDER THE SAME TERMS AND
26 CONDITIONS, AS ARE APPLICABLE TO NON-IGCC PROJECTS. AFTER THE
27 IGCC PROJECT ACHIEVES COMMERCIAL OPERATION, THE PUBLIC UTILITY
28 SHALL REPORT ON THE COST AND PERFORMANCE OF THE IGCC PROJECT.
29 AFTER INVESTIGATION AND PUBLIC HEARING, THE COMMISSION MAY, ON
30 ITS OWN MOTION, ORDER SHUTDOWN, DECOMMISSIONING, OR REPOWERING
31 OF THE IGCC PROJECT IF IT FINDS THAT CONTINUED OPERATION WOULD BE
32 CONTRARY TO THE PUBLIC INTEREST. THE PUBLIC UTILITY SHALL BE
33 ENTITLED TO FULL RECOVERY OF THE PRUDENTLY INCURRED COSTS
34 ASSOCIATED WITH THE SHUTDOWN, DECOMMISSIONING, OR REPOWERING
35 OF THE IGCC PROJECT.";
36

37 line 22, strike "(g)" and substitute "(i)";
38

39 line 25, strike "PARAGRAPH (c)" and substitute "PARAGRAPHS (c) AND
40 (d)".
41

42 Page 7, line 2, strike "(h)" and substitute "(j)";
43

44 line 3, strike "THE COMMISSION,";
45

46 line 18, strike "(i)" and substitute "(k)".
47

48 Page 8, line 1, strike "(i)." and substitute "(k).";
49

50 line 5, strike "(j)" and substitute "(l)".
51

52 Amendment No. 4, by Representative Pommer
53

54 Amend printed bill, page 3, line 8, strike "SUPPORT" and substitute
55 "CONSIDER".
56

1 Page 4, line 11, after "APPLY", insert " UNDER THIS SUBSECTION (2)";
2
3 line 13, strike "AN" and substitute "ONE";
4
5 strike line 20 and substitute the following:

6
7 "(IV) THE PROJECTED COST OF THE PROJECT, THE PROJECTED
8 INCREMENTAL AVERAGE RATE IMPACT EXPECTED FROM THE PROJECT, AND
9 THE FORM OF RATE RECOVERY REQUESTED BY THE UTILITY; AND

10
11 (V) OTHER RELEVANT INFORMATION AS THE COMMISSION MAY
12 REQUIRE.

13
14 (d) IN ITS APPLICATION, THE PUBLIC UTILITY SEEKING TO BUILD AN
15 IGCC PROJECT SHALL ALSO PROVIDE INFORMATION CONCERNING THE
16 FOLLOWING ENVIRONMENTAL MATTERS:

17
18 (I) THE IGCC PROJECT'S PROJECTED WATER SAVINGS, EMISSION
19 RATES, AND OTHER";

20
21 line 22, strike "(V)" and substitute "(II)";

22
23 line 24, strike "(VI)" and substitute "(III)".

24
25 Page 5, line 1, strike "(VII)" and substitute "(IV)";

26
27 line 3, after the semicolon, add "AND";

28
29 strike lines 4 through 6;

30
31 line 7, strike "(IX)" and substitute "(V)".

32
33 Amendment No. 5, by Representative Rose.

34
35 Amend printed bill, page 8, after line 14, insert the following:

36 "(m) (I) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED
37 TO PROHIBIT A UTILITY FROM PROPOSING TO ACQUIRE, THROUGH THE
38 COMMISSION-APPROVED RESOURCE PLANNING AND ACQUISITION
39 PROCESSES, POWER AND ENERGY DERIVED FROM AN IGCC FACILITY
40 DEVELOPED BY THE UTILITY OR BY CONTRACT FROM AN AFFILIATE OF THE
41 UTILITY OR FROM AN OWNER OF AN IGCC FACILITY NOT AFFILIATED WITH
42 THE UTILITY. NOTHING IN THIS SECTION SHALL PREVENT A UTILITY FROM
43 APPLYING FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
44 CONSTRUCT MORE THAN ONE IGCC FACILITY.

45
46 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
47 THIS PARAGRAPH (m), A UTILITY MAY EMPLOY THE PROCEDURES SET
48 FORTH IN THIS SUBSECTION (2) FOR ONLY ONE IGCC PROJECT."

49
50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.

52
53 On motion of Representative Madden, the remainder of the Special
54 Orders Calendar (**HB06-1280, 1327, 1275, SB06-121, 134**) was laid over
55 until March 10, retaining place on Calendar.

56

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB06-1335 amended, SB06-033, 057**
4 **amended, HB06-1338, SB06-093, HB06-1132 amended, 1161**
5 **amended, SB06-118 amended, 142, 132, HB06-1247 amended,**
6 **SB06-032, 053, 095, HB06-1353, SB06-097 amended, 074, HB06-1066**
7 **amended, SB06-140, 005, HB06-1281 amended.**

8
9 Laid over until date indicated retaining place on Calendar: **HB06-1280,**
10 **1327, 1275, SB06-121, 134--March 10, 2006.**

11
12 Referred to Committee indicated: **HB06-1348--Appropriations.**

13
14 The Chairman moved the adoption of the Committee of the Whole
15 Report. As shown by the following roll call vote, a majority of those
16 elected to the House voted in the affirmative, and the Report was
17 **adopted.**

YES	61	NO	00	EXCUSED	04	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	E
Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Gallegos	Y	Liston	E	Riesberg	Y
Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
Buescher	Y	Green	Y	Marshall	Y	Solano	Y
Butcher	Y	Hall	Y	Massey	Y	Soper	Y
Cadman	Y	Harvey	Y	May	Y	Stafford	Y
Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	E
Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
Coleman	Y	Kerr	Y	Paccione	Y	Welker	E
Crane	Y	King	Y	Penry	Y	White	Y
Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
						Speaker	Y

37
38
39
40 **REPORTS OF COMMITTEES OF REFERENCE**

41
42 **FINANCE**

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

45
46 **HB06-1323** be amended as follows, and as so amended, be referred to
47 the Committee on Appropriations with favorable
48 recommendation:

49
50 Amend printed bill, page 2, strike lines 14 through 26.

51
52 Strike page 3.

53
54 Page 4, strike lines 1 through 5 and substitute the following:

55

1 **"SECTION 2.** 18-4-401, Colorado Revised Statutes, is amended
2 **BY THE ADDITION OF A NEW SUBSECTION** to read:

3
4 **18-4-401. Theft.** (9) (a) IF A PERSON IS CONVICTED OR PLEADS
5 GUILTY OR NOLO CONTENDERE TO THEFT BY DECEPTION AND THE
6 UNDERLYING FACTUAL BASIS OF THE CASE INVOLVES THE MORTGAGE
7 LENDING PROCESS, A MINIMUM FINE OF THE AMOUNT OF PECUNIARY HARM
8 RESULTING FROM THE THEFT SHALL BE MANDATORY.

9
10 (b) A COURT SHALL NOT ACCEPT A PLEA OF GUILTY OR NOLO
11 CONTENDERE TO ANOTHER OFFENSE FROM A PERSON CHARGED WITH A
12 VIOLATION OF THIS SECTION UNLESS THE PLEA AGREEMENT CONTAINS AN
13 ORDER OF RESTITUTION IN ACCORDANCE WITH PART 6 OF ARTICLE 1.3 OF
14 THIS TITLE THAT COMPENSATES THE VICTIM FOR ANY COSTS TO THE VICTIM
15 CAUSED BY THE OFFENSE.

16
17 (c) THE DISTRICT ATTORNEYS AND THE ATTORNEY GENERAL HAVE
18 CONCURRENT JURISDICTION TO INVESTIGATE AND PROSECUTE A VIOLATION
19 OF THIS SECTION THAT INVOLVES MAKING FALSE STATEMENTS OR FILING
20 OR FACILITATING THE USE OF A DOCUMENT KNOWN TO CONTAIN A FALSE
21 STATEMENT OR MATERIAL OMISSION RELIED UPON BY ANOTHER PERSON IN
22 THE MORTGAGE LENDING PROCESS.

23
24 (d) DOCUMENTS INVOLVED IN THE MORTGAGE LENDING PROCESS
25 INCLUDE, BUT ARE NOT LIMITED TO, UNIFORM RESIDENTIAL LOAN
26 APPLICATIONS OR OTHER LOAN APPLICATIONS; APPRAISAL REPORTS;
27 HUD-1 SETTLEMENT STATEMENTS; SUPPORTING PERSONAL
28 DOCUMENTATION FOR LOAN APPLICATIONS SUCH AS W-2 FORMS,
29 VERIFICATIONS OF INCOME AND EMPLOYMENT, BANK STATEMENTS, TAX
30 RETURNS, AND PAYROLL STUBS; AND ANY REQUIRED DISCLOSURES.

31
32 (e) FOR THE PURPOSES OF THIS SUBSECTION (9):

33
34 (I) "MORTGAGE LENDING PROCESS" MEANS THE PROCESS THROUGH
35 WHICH A PERSON SEEKS OR OBTAINS A RESIDENTIAL MORTGAGE LOAN,
36 INCLUDING, WITHOUT LIMITATION, SOLICITATION, APPLICATION, OR
37 ORIGINATION; NEGOTIATION OF TERMS; THIRD-PARTY PROVIDER SERVICES;
38 UNDERWRITING; SIGNING AND CLOSING; FUNDING OF THE LOAN; AND
39 PERFECTING AND RELEASING THE MORTGAGE.

40
41 (II) "RESIDENTIAL MORTGAGE LOAN" MEANS A LOAN OR
42 AGREEMENT TO EXTEND CREDIT, MADE TO A PERSON AND SECURED BY A
43 MORTGAGE OR LIEN ON RESIDENTIAL REAL PROPERTY, INCLUDING, BUT
44 NOT LIMITED TO, THE REFINANCING OR RENEWAL OF A LOAN SECURED BY
45 RESIDENTIAL REAL PROPERTY.

46
47 (III) "RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY USED
48 AS A RESIDENCE AND CONTAINING NO MORE THAN FOUR FAMILIES HOUSED
49 SEPARATELY.

50
51 **SECTION 3.** Part 1 of article 21 of title 13, Colorado Revised
52 Statutes, is amended **BY THE ADDITION OF A NEW SECTION** to
53 read:

54
55 **13-21-125. Civil actions for theft in the mortgage lending**
56 **process.** A PERSON WHO SUFFERS DAMAGES AS A RESULT OF A VIOLATION

1 OF SECTION 18-4-401, C.R.S., IN THE MORTGAGE LENDING PROCESS, AS
 2 DEFINED BY SECTION 18-4-401 (9) (c), C.R.S., SHALL HAVE A PRIVATE
 3 CIVIL RIGHT OF ACTION AGAINST THE PERPETRATOR, REGARDLESS OF
 4 WHETHER THE PERPETRATOR WAS CONVICTED OF THE CRIME. A CLAIM
 5 ARISING UNDER THIS SECTION SHALL NOT BE ASSERTED AGAINST A BONA
 6 FIDE PURCHASER OF A MORTGAGE CONTRACT.

7
 8 **SECTION 4.** Article 76 of title 24, Colorado Revised Statutes, is
 9 amended BY THE ADDITION OF A NEW SECTION to read:

10
 11 **24-76-103. Federal grants - mortgage lending process.** THE
 12 DIVISION OF REAL ESTATE AND ANY STATE AGENCY INVOLVED IN THE
 13 PROSECUTION OF OR PUBLIC EDUCATION ABOUT MORTGAGE FRAUD AND
 14 THEFT IN THE MORTGAGE LENDING PROCESS MAY ACCEPT ON BEHALF OF
 15 THE STATE GRANTS OF FEDERAL FUNDS FOR THE PURPOSE OF LOWERING
 16 THE INCIDENTS OF MORTGAGE FRAUD IN COLORADO. THE STATE AGENCY,
 17 WITH THE APPROVAL OF THE GOVERNOR, SHALL HAVE THE POWER TO
 18 DIRECT THE DISPOSITION OF A FEDERAL GRANT CONSISTENT WITH THE
 19 TERMS AND CONDITIONS OF THE GRANT SO LONG AS THE TERMS AND
 20 CONDITIONS DO NOT CONFLICT WITH STATE LAW. "

21
 22 Renumber succeeding sections accordingly.

23
 24
 25
 26 **HB06-1354** be referred to the Committee of the Whole with favorable
 27 recommendation.

28
 29
 30 **HB06-1355** be referred favorably to the Committee on Appropriations

31
 32
 33 **HB06-1365** be amended as follows, and as so amended, be referred to
 34 the Committee on Appropriations with favorable
 35 recommendation:

36
 37 Amend printed bill, page 4, after line 9, insert the following:

38
 39 "(8) THIS SECTION SHALL NOT APPLY TO ANY APPROPRIATION
 40 MADE TO THE DEPARTMENT OF EDUCATION THAT IS PART OF THE "PUBLIC
 41 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S., OR ANY
 42 SUCCESSOR ACT, OR ANY APPROPRIATION TO THE DEPARTMENT THAT IS
 43 RELATED TO A CATEGORICAL PROGRAM OR GRANT PROGRAM ESTABLISHED
 44 IN TITLE 22, C.R.S. "

45
 46 Page 6, after line 20, insert the following:

47
 48 "(5) THIS SECTION SHALL NOT APPLY TO ANY GENERAL FUND
 49 APPROPRIATION MADE TO THE DEPARTMENT OF EDUCATION THAT IS PART
 50 OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22,
 51 C.R.S., OR ANY SUCCESSOR ACT, OR ANY APPROPRIATION TO THE
 52 DEPARTMENT THAT IS RELATED TO A CATEGORICAL PROGRAM OR GRANT
 53 PROGRAM ESTABLISHED IN TITLE 22, C.R.S. "

54
 55 Page 1, line 101, after "CONCERNING", insert "PRACTICES RELATED TO".

56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB06-1302** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:

11
12 **"SECTION 1. Legislative declaration.** The general assembly
13 hereby declares that it intends to continue to encourage the department of
14 public health and environment to focus its efforts on remote sensing
15 technology for monitoring vehicle emissions.

16
17 **SECTION 2.** 42-4-307, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19
20 **42-4-307. Powers and duties of the department of public**
21 **health and environment - division of administration - automobile**
22 **inspection and readjustment program - basic emissions program -**
23 **enhanced emissions program - clean screen program.** (12) THE
24 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL WORK WITH
25 THE CONTRACTOR TO DEVELOP A HIGH EMITTER PROGRAM THAT IS
26 ACCEPTABLE TO THE ENVIRONMENTAL PROTECTION AGENCY. AS USED IN
27 THIS SECTION, "HIGH EMITTER PROGRAM" MEANS A PROGRAM TO IDENTIFY
28 AND REPAIR OR REMOVE MOTOR VEHICLES WHOSE EMISSIONS OR AIR
29 POLLUTANTS ARE SUBSTANTIALLY ABOVE THE LEVELS DEEMED
30 ACCEPTABLE UNDER THE AIR PROGRAM.

31
32 **SECTION 3.** Part 3 of article 4 of title 42, Colorado Revised
33 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
34 read:

35
36 **42-4-307.7. Clean Screen Testing.** (1) BY AUGUST 31, 2007,
37 THE CONTRACTOR SHALL INCREASE THE NUMBER OF REMOTE SENSING
38 DEVICE VANS IN USE ON THE ROAD TO A NUMBER TO BE DETERMINED BY
39 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE
40 CONTRACTOR.

41
42 (2) WHEN THE NUMBER OF CLEAN SCREEN TESTS PERFORMED
43 ANNUALLY EXCEEDS THE NUMBER OF TESTS PERFORMED ANNUALLY AT AN
44 ENHANCED INSPECTION CENTER, AS DETERMINED BY THE DEPARTMENT OF
45 PUBLIC HEALTH AND ENVIRONMENT, THE CONTRACTOR SHALL WORK WITH
46 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE
47 DEPARTMENT OF REVENUE TO REDUCE THE NUMBER OF LANES AT
48 ENHANCED INSPECTION CENTERS OR THE NUMBER OF ENHANCED
49 INSPECTION CENTERS IN THE PROGRAM AREA.

50
51 (3) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
52 WORK WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON
53 DEVELOPING LOCATIONS THAT WILL ACCOMMODATE UNMANNED REMOTE
54 SENSING DEVICE UNITS WITHOUT CAUSING A SAFETY HAZARD.

55

1 **SECTION 4.** 42-4-310 (5) (a), Colorado Revised Statutes, is
2 amended to read:

3
4 **42-4-310. Periodic emissions control inspection required.**

5 (5) (a) Notwithstanding any other provision of this section, any eligible
6 motor vehicle registered in a clean screen program county that complies
7 with the requirements of the clean screen program under ~~the provisions~~
8 ~~of sections 42-4-305 (12), 42-4-306 (23), and 42-4-307 (10.5) (a) by~~
9 ~~passing the requirements of such program and applicable rules shall be~~
10 ~~deemed to have complied with the inspection requirements of this section~~
11 ~~for the applicable emissions inspection cycle. UNLESS OTHERWISE~~
12 ~~EXEMPTED IN THIS SECTION, VEHICLES LESS THAN EIGHT MODEL YEARS OF~~
13 ~~AGE SHALL ONLY BE REQUIRED TO OBTAIN ONE CLEAN SCREEN TEST IN~~
14 ~~ORDER TO COMPLY WITH THE INSPECTION REQUIREMENTS OF THIS SECTION~~
15 ~~FOR THE APPLICABLE EMISSIONS INSPECTION CYCLE. ALL OTHERS SHALL~~
16 ~~BE REQUIRED TO OBTAIN TWO CLEAN SCREEN TESTS PER CYCLE. For~~
17 ~~purposes of this subsection (5), "eligible motor vehicle" means a motor~~
18 ~~vehicle, including trucks, for model years 1978 and earlier having a gross~~
19 ~~vehicle weight rating of six thousand pounds or less and for model years~~
20 ~~1979 and newer having a gross vehicle weight rating of eight thousand~~
21 ~~five hundred pounds or less.~~

22
23 **SECTION 5.** 42-4-311 (6) (a) and (7), Colorado Revised Statutes,
24 are amended to read:

25
26 **42-4-311. Operation of inspection and readjustment stations**
27 **- inspection-only facilities - fleet inspection stations - motor vehicle**
28 **dealer test facilities - enhanced inspection centers.**

29
30 ~~(6) (a) The fee charged for enhanced emissions inspections~~
31 ~~performed within the enhanced emissions program area on 1982 and later~~
32 ~~motor vehicles shall not be any greater than that determined by the~~
33 ~~contract and in no case greater than twenty-five dollars. The fee charged~~
34 ~~for clean screen inspections performed on vehicles registered in the basic~~
35 ~~area shall not be any greater than that determined by the contract and in~~
36 ~~no case greater than fifteen dollars. Such fee shall not exceed the~~
37 ~~maximum fee required to be posted by the enhanced inspection center~~
38 ~~pursuant to section 42-4-305 for the inspection of any motor vehicle~~
39 ~~required to be inspected under section 42-4-310. NOTWITHSTANDING ANY~~
40 ~~OTHER PROVISION OF LAW, NO FEE SHALL BE CHARGED AT AN ENHANCED~~
41 ~~INSPECTION CENTER FOR THE INSPECTION OF VEHICLES.~~

42
43 ~~(7) At least one free reinspection shall be provided for those~~
44 ~~vehicles initially failed at the inspection and readjustment station,~~
45 ~~inspection-only facility, or enhanced inspection center which conducted~~
46 ~~the initial inspection, within ten calendar days of such initial inspection.~~
47 ~~ANY VEHICLE THAT FAILS THREE CLEAN SCREEN TESTS SHALL HAVE A TEST~~
48 ~~DONE AT AN ENHANCED INSPECTION CENTER. IF SUCH VEHICLE PASSES THE~~
49 ~~TEST DONE AT AN ENHANCED INSPECTION CENTER, THE CONTRACTOR~~
50 ~~SHALL PAY THE OWNER OF THE VEHICLE TWENTY-FIVE DOLLARS FOR THE~~
51 ~~INCONVENIENCE.~~

52
53 **SECTION 6.** 42-3-304 (19) (a) (I), (19) (a) (III), and (19) (d)
54 Colorado Revised Statutes, are amended to read:

55

1 **42-3-304. Registration fees - passenger and passenger-mile**
 2 **taxes - clean screen fund - repeal.** (19) (a) If the air quality control
 3 commission determines pursuant to section 42-4-306 (23) (b) to
 4 implement an expanded clean screen program in the enhanced emissions
 5 program area, on and after the specific dates determined by the
 6 commission for each of the following subparagraphs:

7
 8 (I) In addition to any other fee imposed by this section, county
 9 clerks and recorders, acting as agents for the clean screen authority, shall
 10 collect at the time of registration an emissions inspection fee ~~in an amount~~
 11 ~~determined by section 42-4-311 (6) (a) NOT TO EXCEED NINE DOLLARS on~~
 12 ~~every motor vehicle that the department of revenue has determined from~~
 13 ~~data provided by its contractor to have been clean screened; except that~~
 14 ~~the motorist shall not be required to pay such emissions inspection fee if~~
 15 ~~the county clerk and recorder determines that a valid certification of~~
 16 ~~emissions compliance has already been issued for the vehicle being~~
 17 ~~registered indicating that the vehicle passed the applicable emissions test~~
 18 ~~at an enhanced inspection center, inspection and readjustment station,~~
 19 ~~motor vehicle dealer test facility, or fleet inspection station. IS~~
 20 REGISTERED IN THE PROGRAM AREA.

21
 22 (III) The clean screen authority shall transmit moneys from the
 23 clean screen fund ~~monthly~~ to the contractor ~~in accordance with the fees~~
 24 ~~determined by section 42-4-311 (6) (a) within one week after receipt by~~
 25 ~~the authority. from the department of revenue of a notification of the~~
 26 ~~number of registrations of clean-screened vehicles during the previous~~
 27 ~~month.~~

28
 29 (d) ~~This subsection (19) is repealed, effective December 31, 2007.~~
 30 ~~Any moneys remaining in the clean screen fund on December 31, 2007,~~
 31 ~~shall revert to the AIR account established in paragraph (a) of subsection~~
 32 ~~(18) of this section.~~

33
 34 **SECTION 7. Effective date.** This act shall take effect February
 35 28, 2007.

36
 37 **SECTION 8. Safety clause.** The general assembly hereby finds,
 38 determines, and declares that this act is necessary for the immediate
 39 preservation of the public peace, health, and safety."

40
 41
 42
 43 **SB06-015** be referred favorably to the Committee on Appropriations.

44
 45
 46 **SB06-029** be postponed indefinitely.

47
 48
 49 **SB06-078** be referred to the Committee of the Whole with favorable
 50 recommendation.

51
 52
 53 **SB06-115** be referred to the Committee of the Whole with favorable
 54 recommendation.

55
 56

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: **HB06-1035, 1081, 1104, 1142** at 3:01 p.m., on March 9, 2006.

**INTRODUCTION OF BILLS
First Reading**

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

SB06-020 by Senator(s) Hanna; also Representative(s) Green--
Concerning the creation of a nurse licensure compact, and
making an appropriation therefor.
Committee on Health and Human Services
Committee on Appropriations

SB06-027 by Senator(s) Hanna, Takis, Taylor; also Representative(s)
Coleman, Vigil--Concerning penalties for retail food
establishment violations.
Committee on Health and Human Services

SB06-129 by Senator(s) Keller, Owen, Tapia; also Representative(s)
Buescher, Hall, Plant--Concerning the utilization of a cash
system of accounting for nonadministrative expenditures
that qualify for federal financial participation under title
XIX of the federal "Social Security Act", and making an
appropriation therefor.
Committee on Finance
Committee on Appropriations

LAY OVER OF CALENDAR ITEMS

On motion of Representative Garcia, the following items on the Calendar were laid over until March 10, retaining place on Calendar:

Consideration of General Orders--**HB06-1193, 1352**.
Consideration of Resolutions--**HJR06-1013, 1015**.
Consideration of Memorial--**HM06-1001**.
Consideration of Senate Amendments--**HB06-1040, 1175, 1033, 1048, 1187, 1068, 1059, 1039, 1023**.

On motion of Representative Garcia, the House adjourned until 9:00 a.m., March 10, 2006.

Attest:
MARILYN EDDINS,
Chief Clerk

Approved:
ANDREW ROMANOFF,
Speaker