

SENATE JOURNAL
Sixty-fifth General Assembly
STATE OF COLORADO
Second Regular Session

57th Legislative Day

Wednesday, March 8, 2006

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Prayer	By the chaplain, Pastor Heidi McGinness, Presbyterian Church USA.	11
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Pledge	By Senator Gordon.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--33.	18
	Absent--1; Evans.	19
	Excused--1; Mitchell.	20
	Present later--Evans.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Teck, reading of the Journal of March 7, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB06-1061 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB06-1025 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	38
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB06-1152 be postponed indefinitely.	44
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Local Government	After consideration on the merits, the Committee recommends that HB06-1242 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	50
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Local Government	After consideration on the merits, the Committee recommends that HB06-1159 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	55
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	Amend reengrossed bill, page 4, strike lines 18 through 27 and substitute the following:	59
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	"SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."	62
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	Strike page 5.	66
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MESSAGE FROM THE HOUSE

March 7, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1356.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1251, amended as printed in House Journal, February 28, pages 587-588. HB06-1008, amended as printed in House Journal, March 6, page 626. HB06-1154, amended as printed in House Journal, March 6, page 626. HB06-1351, amended as printed in House Journal, March 6, page 627.

The House has passed on Third Reading and returns herewith SB06-160.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-062, amended as printed in House Journal, March 6, pages 627-628.

MESSAGE FROM THE REVISOR OF STATUTES

March 7, 2006

We herewith transmit:

Without comment, HB06-1356.
Without comment, as amended, HB06-1008, 1154, 1251, and 1351.
Without comment, as amended, SB06-062.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB06-1008** by Representative(s) Massey; also Senator(s) Isgar--Concerning reimbursement for supplemental on-line education courses, and making an appropriation therefor. Education
- HB06-1154** by Representative(s) Berens, Cerbo, Rose, Sullivan, Todd; also Senator(s) Hanna--Concerning the issuance of heirloom certificates, and making an appropriation therefor. State, Veterans & Military Affairs
- HB06-1251** by Representative(s) Green; also Senator(s) Tochtrop--Concerning a prohibition on price gouging. Business, Labor and Technology
- HB06-1351** by Representative(s) Rose, Buescher, Penry; also Senator(s) Isgar--Concerning the continuation of the statewide program for teen pregnancy and dropout prevention. Health and Human Services
- HB06-1356** by Representative(s) Judd; also Senator(s) Owen--Concerning the exemption of certain licensed professionals from the requirement to obtain a supervised lender license in order to take assignment of supervised loans in default, and, in connection therewith, specifically exempting Colorado-licensed collection agencies and attorneys from supervised lender licensing when taking assignment of supervised loans in default. Business, Labor and Technology

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

- HB06-1055** by Representative(s) Coleman; also Senator(s) Shaffer--Concerning a modification to the

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exception to the limitation on medical impairment benefits for workers' compensation claims based on mental impairment.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	E	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	N	Jones	N	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Groff, Hanna, Tapia and Tochtrop.

SB06-067 by Senator(s) Hanna; also Representative(s) Kerr--Concerning suicidal behavior among students in higher education.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	E	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	N	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Groff and Shaffer.

HB06-1023 by Representative(s) King; also Senator(s) Windels--Concerning educator licensure.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	E	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	N	Traylor	N
Dyer	N	Johnson	N	Sandoval	Y	Tupa	Y
Entz	N	Jones	N	Shaffer	Y	Veiga	Y
Evans	N	Keller	Y	Spence	N	Wiens	N
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	N	Tapia	Y	Windels	Y
Grossman	Y	May R.	N	Taylor	N	President	Y
Hagedorn	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Shaffer and Tupa.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **HB06-1074** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB06-1095** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 23, after "BY", insert "NOT".

Page 4, line 12, strike "(4) A" and substitute "(4) (a) ANY";

strike lines 15 through 20 and substitute the following:

"THE PRODUCTS OFFERED BY THE BIDDER ARE ENVIRONMENTALLY PREFERABLE. THIS REQUIREMENT MAY BE SATISFIED BY SUBMISSION OF ANY OF THE FOLLOWING:

(I) A LIFE-CYCLE COST ANALYSIS CONDUCTED ON THE APPLICABLE PRODUCT OR SERVICE THAT HAS BEEN CONDUCTED IN ACCORDANCE WITH APPLICABLE STANDARDS BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION, OR ANY SUCCESSOR ORGANIZATION;

(II) A REFERENCE TO AN EXISTING ENVIRONMENTALLY PREFERABLE PRODUCT LIST MAINTAINED BY A STATE OR THE FEDERAL GOVERNMENT THAT CONTAINS THE PRODUCT OR SERVICE; OR

(III) A REFERENCE TO A NATIONALLY RECOGNIZED THIRD-PARTY CERTIFICATION ENTITY THAT HAS CERTIFIED THE PRODUCT OR SERVICE AS ENVIRONMENTALLY PREFERABLE ON THE BASIS OF A VALID LIFE-CYCLE COST ANALYSIS.

(b) THE GOVERNMENTAL BODY MAY RELY IN GOOD FAITH ON ANY FORM OF DOCUMENTATION THAT SATISFIES THE REQUIREMENT OF PARAGRAPH (a) OF THIS SUBSECTION (4).

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF NONE OF THE FORMS OF DOCUMENTATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) APPLY TO THE PRODUCT OR SERVICE BEING PURCHASED, THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO THE PURCHASE OF THE PRODUCT OR SERVICE.";

after line 26, insert the following:

"(6) IN CONNECTION WITH ANY LIFE-CYCLE COST ANALYSIS UNDERTAKEN IN CONNECTION WITH ANY PURCHASE UNDER THIS SECTION OF A PRODUCT OR SERVICE THAT INVOLVES THE REPLACEMENT OF EXISTING ELECTRICAL, NATURAL GAS, OR STEAM SERVICE, THE COST ANALYSIS SHALL CONSIDER ANY STRANDED UTILITY COSTS.".

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2009:

Henry R. Reeve of Denver, Colorado, to serve as an attorney and as an Unaffiliated, appointed.

Finance

After consideration on the merits, the Committee recommends that **HB06-1105** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 8 and 9 and substitute the following:

"general assembly that can be used ~~during the 2008 regular session~~ AS SOON AS POSSIBLE.";

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line 10, strike "2007 AND 2008 regular session SESSIONS," and substitute "FIRST regular session THAT THE DYNAMIC MODEL CAN BE USED,";

line 12, strike "whether" and substitute "~~whether~~ THAT".

Page 3, line 7, strike "For a fiscal";

strike lines 8 through 10 and substitute the following:

~~"For a fiscal year commencing on or after July 1, 2006, moneys from the capital construction fund created in section 24-75-302, C.R.S., may be appropriated to implement this section.";~~

line 12, strike "unless UNTIL" and substitute "unless";

line 13, strike "SUCH TIME THAT";

line 14, strike "If WHEN" and substitute "If";

line 16, strike "of research" and substitute "of research";

line 17, strike "If the balance of the fund";

strike lines 18 through 24 and substitute the following:

~~"If the balance of the fund is less than one hundred twenty thousand dollars as of September 1, 2005, then any gifts, grants, or donations that were received prior to that date shall be returned to the respective donors."~~

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1321** be referred to the Committee of the Whole with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1188** be postponed indefinitely.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1254** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-002** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 1. Article 35.7 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-35.7-103. Disclosure - methamphetamine laboratory. (1) A BUYER OF RESIDENTIAL REAL PROPERTY HAS THE RIGHT TO CONDUCT AN

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INSPECTION OF THE PROPERTY FOR THE PURPOSE OF DETERMINING WHETHER THE PROPERTY HAS EVER BEEN USED AS A METHAMPHETAMINE LABORATORY.

(2) (a) IF THE BUYER EXERCISES THE RIGHT SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE BUYER IS RESPONSIBLE FOR THE COST OF THE INSPECTION. IF THE INSPECTION INDICATES THAT THE PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY BUT HAS NOT BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S., THE BUYER SHALL PROMPTLY GIVE WRITTEN NOTICE TO THE SELLER OF THE RESULTS OF THE INSPECTION.

(b) THE SELLER SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE TO CONDUCT AN INSPECTION. IF THE SELLER'S INSPECTION INDICATES THAT THE PROPERTY HAS NOT BEEN USED AS A METHAMPHETAMINE LABORATORY OR HAS BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S., THE SELLER SHALL MAKE ONE OR MORE OF THE DISCLOSURES REQUIRED BY SUBSECTION (3) OF THIS SECTION, AS APPROPRIATE.

(c) IF THE SELLER'S INSPECTION INDICATES THAT THE PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY BUT HAS NOT BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S.:

(I) (A) THE SELLER SHALL EITHER REMEDIATE THE PROPERTY TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S.; OR

(B) DEMOLISH THE PROPERTY; AND

(II) THE BUYER MAY TERMINATE THE CONTRACT.

(3) THE STANDARD SELLER'S DISCLOSURE FORM REQUIRED FOR CONTRACTS FOR THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY SHALL:

(a) DISCLOSE:

(I) WHETHER AN ORDER HAS BEEN ISSUED ON THE PROPERTY PURSUANT TO SECTION 25-18.5-103 (1) (a), C.R.S.;

(II) WHETHER ANY ORDERS ISSUED AGAINST THE PROPERTY PURSUANT TO SECTION 25-18.5-103 (1) (a), C.R.S. HAVE BEEN VACATED PURSUANT TO SECTION 25-18.5-103 (2), C.R.S.; OR

(III) IF THERE WAS NO ORDER ISSUED AGAINST THE PROPERTY AND THE SELLER IS AWARE THAT METHAMPHETAMINE PRODUCTION HAS OCCURRED ON THE PROPERTY, THE STATUS OF REMEDIATION ON THE PROPERTY.

(b) CONTAIN ONE OR MORE OF THE FOLLOWING DISCLOSURE STATEMENTS, AS APPROPRIATE, IN AT LEAST TWELVE-POINT BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE AND IN SUBSTANTIALLY THE FOLLOWING FORM:

THIS PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY BUT HAS BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, COLO.REV.STAT.

THIS PROPERTY HAS BEEN USED AS A METHAMPHETAMINE LABORATORY, AND THE PROPERTY HAS NOT BEEN REMEDIATED TO MEET THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH

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PROMULGATED PURSUANT TO SECTION 25-18.5-102, COLO.REV.STAT.

THE BUYER HAS BEEN NOTIFIED OF THE BUYER'S RIGHT TO INSPECT THIS PROPERTY FOR EVIDENCE REGARDING WHETHER IT HAS EVER BEEN USED AS A METHAMPHETAMINE LABORATORY. THE BUYER HAS WAIVED THE BUYER'S RIGHT TO SO INSPECT THIS PROPERTY.

THE BUYER HAS BEEN NOTIFIED OF THE BUYER'S RIGHT TO INSPECT THIS PROPERTY FOR EVIDENCE REGARDING WHETHER IT HAS EVER BEEN USED AS A METHAMPHETAMINE LABORATORY. THE BUYER HAS EXERCISED THE BUYER'S RIGHT TO SO INSPECT THIS PROPERTY.

(4) (a) UNLESS THE BUYER AND SELLER AGREE TO THE CONTRARY IN WRITING BEFORE THE CLOSING OF THE SALE, A SELLER WHO FAILS TO MAKE A DISCLOSURE REQUIRED BY THIS SECTION AT OR BEFORE THE TIME OF SALE AND WHO KNEW OR HAD REASON TO KNOW OF METHAMPHETAMINE PRODUCTION ON THE PROPERTY IS LIABLE TO THE BUYER FOR:

(I) COSTS RELATING TO REMEDIATION OF THE PROPERTY ACCORDING TO THE STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S.;

(II) COSTS RELATING TO HEALTH-RELATED INJURIES OCCURRING AFTER THE SALE TO RESIDENTS OF THE PROPERTY CAUSED BY METHAMPHETAMINE PRODUCTION ON THE PROPERTY; AND

(III) REASONABLE ATTORNEY FEES FOR COLLECTION OF COSTS FROM THE SELLER.

(b) A BUYER SHALL COMMENCE AN ACTION UNDER THIS SUBSECTION (4) WITHIN THREE YEARS AFTER THE DATE ON WHICH THE BUYER CLOSED THE PURCHASE OF THE REAL PROPERTY WHERE THE METHAMPHETAMINE PRODUCTION OCCURRED.

(5) FOR PURPOSES OF THIS SECTION, "RESIDENTIAL REAL PROPERTY" INCLUDES A: MANUFACTURED HOME; CONDOMINIUM; TOWNHOME; HOME SOLD BY THE OWNER, A FINANCIAL INSTITUTION, OR THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; RENTAL PROPERTY, INCLUDING AN APARTMENT; AND SHORT-TERM RESIDENCE SUCH AS A MOTEL OR HOTEL.

SECTION 2. 25-18.5-103 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

25-18.5-103. Discovery of illegal drug laboratory - property owner - clean-up - liability. (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies indicative of an illegal drug laboratory are located on a property, or when an illegal drug laboratory used to manufacture methamphetamine is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, at his or her option and subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property. ~~If the owner elects to demolish the contaminated property,~~ The governing body or, if none has been designated, the health department, building department, or law enforcement agency with jurisdiction over the area where the property is located, ~~may~~ SHALL ISSUE AN ORDER TO require the owner to fence off the property or otherwise make it inaccessible to persons for occupancy or intrusion DURING THE DEMOLITION OR REMEDIATION.

(2) Once a property owner has met the clean-up standards and

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documentation requirements established by the board, as evidenced by a copy of the results provided to the governing body, or has demolished the property, THE GOVERNING BODY SHALL VACATE THE ORDER ISSUED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, AND compliance with subsection (1) of this section shall establish immunity for the property owner from a suit for alleged health-based civil actions brought by any future owner, renter, or other person who occupies such property, or a neighbor of such property, in which the alleged cause of the injury or loss is the existence of the illegal drug laboratory used to manufacture methamphetamine; except that immunity from a civil suit is not established for the person convicted for the production of methamphetamine.

SECTION 3. Effective date - applicability. This act shall take effect January 1, 2007, and shall apply to contracts for the purchase and sale of residential real property that are offered or entered into on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1141** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 24, after "SETTLEMENT", insert "SERVICE".

Page 4, line 6, after "SETTLEMENT", insert "SERVICE";

line 8, after "(6.5)", insert "(a)";

line 12, strike "(a)" and substitute "(I)";

strike line 13 and substitute the following:

"(II) LENDS OR BORROWS MONEYS WITH AN INTEREST IN REAL PROPERTY AS SECURITY;"

line 14, strike "(c) (I)" and substitute "(III)";

strike line 16 and substitute the following:

"(A) BUYS OR SELLS AN INTEREST IN REAL PROPERTY; OR";

strike lines 19 and 20;

line 21, strike "(d)" and substitute "(IV)";

after line 22, insert the following:

"(b) NOTHING IN THIS SUBSECTION (6.5) SHALL BE CONSTRUED TO INCLUDE A TITLE INSURANCE COMPANY OR A TITLE INSURANCE AGENT."

Page 6, line 1, strike "TITLE COMPANY" and substitute "TITLE INSURANCE COMPANY".

Page 7, line 12, after "TITLE", insert "INSURANCE".

Page 9, line 21, strike "VIOLATING" and substitute "WILLFULLY OR REPEATEDLY VIOLATING";

line 22, after "A", insert "WILLFUL OR REPEATED" and, after "CREATION", insert "OR OPERATION".

Page 10, strike lines 6 through 27 and substitute the following:

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"(I) A PROVIDER OF SETTLEMENT SERVICES OR AN ASSOCIATE OF A PROVIDER OF SETTLEMENT SERVICES HAS EITHER AN AFFILIATE RELATIONSHIP WITH OR A DIRECT BENEFICIAL OWNERSHIP INTEREST OF MORE THAN ONE PERCENT IN ANOTHER PROVIDER OF SETTLEMENT SERVICES; AND

(II) A PROVIDER OF SETTLEMENT SERVICES OR THE ASSOCIATE OF A PROVIDER DIRECTLY OR INDIRECTLY REFERS SETTLEMENT SERVICE BUSINESS TO ANOTHER PROVIDER OF SETTLEMENT SERVICES OR AFFIRMATIVELY INFLUENCES THE SELECTION OF ANOTHER PROVIDER OF SETTLEMENT SERVICES."

Page 11, line 3, after "SETTLEMENT", insert "SERVICE";

line 13, after "SETTLEMENT", insert "SERVICE";

strike lines 15 through 27.

Reletter succeeding paragraph accordingly.

Page 13, line 10, strike "SETTLEMENT PROVIDER" and substitute "PROVIDER OF SETTLEMENT SERVICES";

line 19, strike "SETTLEMENT PROVIDER." and substitute "PROVIDER OF SETTLEMENT SERVICES.";

line 23, after "TITLE", insert "INSURANCE".

Page 15, line 10, strike "MAY" and substitute "SHALL".

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1156** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 22, strike "TO DOCUMENTS OR RECORDS" and substitute "TO:

(a) DOCUMENTS OR RECORDS";

strike line 26 and substitute the following:

"OR RECORDS; OR

(b) AN ENTITY THAT IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, 42 U.S.C. SEC. 1320d TO 1320d-8."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB06-1106** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 7, strike "DISEASE" and substitute "DISEASE, LONG-TERM CARE, DISABILITY INCOME,";

line 18, strike "DISEASE" and substitute "DISEASE, LONG-TERM CARE, DISABILITY INCOME,".

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB06-1250, HB06-1093, HB06-1020) of March 8 was laid over until Thursday, March 9, retaining its place on the calendar.

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Committee of the Whole	On motion of Senator Williams, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Williams was called to the Chair to act as Chairman.	1 2 3 4
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GENERAL ORDERS -- SECOND READING OF BILLS

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

HB06-1143	by Representative(s) Gallegos; also Senator(s) Kester--Concerning the authority of a county clerk and recorder to request criminal history records for individuals who assist in the process of conducting elections.	10 11 12 13 14
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Amendment No. 1(L.003), by Senator Gordon.

Amend reengrossed bill, page 2, line 5, strike "arrest";

line 7, strike "ARREST";

line 16, strike "ARREST";

line 20, strike "ARREST".

Page 3, line 2, strike "ARREST";

line 4, strike "ARREST".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

SB06-129	by Senator(s) Keller, Owen, Tapia; also Representative(s) Buescher, Hall, Plant--Concerning the utilization of a cash system of accounting for non-administrative expenditures that qualify for federal financial participation under title XIX of the federal "Social Security Act".	35 36 37 38 39
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Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 17, pages 229-230 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 3, pages 392-393 and placed in members' bill files.)

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

SB06-027	by Senator(s) Hanna, Takis, Taylor; also Representative(s) Coleman, Vigil--Concerning penalties for retail food establishment violations.	50 51 52
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Amendment No. 1, Health and Human Services Committee Amendment.

(Printed in Senate Journal, February 17, pages 244-245 and placed in members' bill files.)

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

SB06-020	by Senator(s) Hanna; also Representative(s) Green--Concerning the creation of a nurse licensure compact.	60 61 62
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Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, March 3, page 394 and placed in members' bill files.)

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

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- HB06-1265** by Representative(s) Frangas; also Senator(s) Sandoval--Concerning additional requirements pertaining to lead-based paint abatement. 1
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Amendment No. 1(L.001), by Senator Sandoval. 4
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Amend reengrossed bill, page 2, line 15, strike "NOTIFY THE REVISOR OF" 6
and substitute "NOT BE REQUIRED TO COMPLY WITH THIS PARAGRAPH (F) 7
UNTIL SUCH FUNDING IS RESTORED."; 8
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strike lines 16 and 17. 10
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As amended, ordered revised and placed on the calendar for Third Reading and Final 12
Passage. 13
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- HB06-1069** by Representative(s) Crane; also Senator(s) Hanna--Concerning an exemption from the 15
prohibition against the corporate practice of podiatry for a podiatrist employed by a health 16
care entity. 17
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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- HB06-1079** by Representative(s) Frangas, Coleman, Green, Penry; also Senator(s) Johnson--Concerning 21
penalties against medical providers for the unlawful receipt of payment from medicaid 22
recipients. 23
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 25
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- On motion of Senator Gordon, and with a majority of those elected to the Senate having 30
voted in the affirmative, the balance of the General Orders -- Second Reading of Bills 31
Calendar (HB06-1181, HB06-1177, HB06-1005, HB06-1007, HB06-1031, HB06-1032, 32
SB06-138, HB06-1174, SB06-090, SB06-072, SB06-176, SB06-052) of March 8, was laid 33
over until Thursday, March 9, retaining its place on the calendar. 34
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- AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE** 38
- HB06-1143** by Representative(s) Gallegos; also Senator(s) Kester--Concerning the authority of a county 39
clerk and recorder to request criminal history records for individuals who assist in the 40
process of conducting elections. 41
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Senator Kester moved to amend the Report of the Committee of the Whole to show that 44
the following amendment to HB 06-1143 did pass. 45
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Amend reengrossed bill, page 2, line 5, strike "arrest" and substitute 47
"criminal"; 48
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line 7, strike "ARREST"; 50
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line 16, strike "ARREST"; 52
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line 20, strike "ARREST". 54
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Page 3, line 2, strike "ARREST"; 56
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line 4, strike "ARREST". 58
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A majority of all members elected to the Senate having voted in the affirmative, the 61
amendment to the Report of the Committee of the Whole was declared PASSED. 62
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 65
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On motion of Senator Williams, the Report of the Committee of the Whole was adopted 67
and, a majority of all members elected to the Senate having voted in the affirmative, the 68
following action was taken: 69

Passed on Second Reading: HB06-1143 as amended, SB06-129 as amended, SB06-027 as amended, SB06-020 as amended, HB06-1265 as amended, HB06-1069, HB06-1079.
Laid over until Thursday, March 9: HB06-1181, HB06-1177, HB06-1005, HB06-1007, HB06-1031, HB06-1032, SB06-138, HB06-1174, SB06-090, SB06-072, SB06-176, SB06-052.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB06-1215 by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--
Concerning a supplemental appropriation to the department of education.

Laid over until Thursday, March 9, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Reengrossed: SB06-038.
Correctly Rerevised: HB06-1030.

MESSAGE FROM THE HOUSE

March 8, 2006
Madame President:

The House has adopted and transmits herewith HJR06-1018 and HJR06-1017
The House has adopted and returns herewith SJR06-012.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR06-008 and SR06-004.

TRIBUTES

Honoring:

2005 Douglas County Huskies Varsity Football team -- by Senators Wiens and Evans.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Thursday, March 9, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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