

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

42nd Legislative Day

Tuesday, February 21, 2006

| | | |
|--------------------|---|--|
| Prayer | By Senator Fitz-Gerald. | 10 |
| Pledge | By Senator Tochtrop. | 11 |
| Call to Order | By the President at 9:00 a.m. | 12 |
| Roll Call | Present--29. Absent--1; Evans. Excused--5; Grossman, McElhany, Takis, Taylor, Teck. Present later--Evans, Grossman, Takis, Taylor. | 13 14 15 16 17 18 19 20 21 22 |
| Quorum | The President announced a quorum present. | 23 |
| Reading of Journal | On motion of Senator Sandoval, reading of the Journal of February 20, 2006 was dispensed with and the Journal was approved as corrected by the Secretary. | 24 25 26 27 |

MESSAGE FROM THE REVISOR OF STATUTES

February 20, 2006

We herewith transmit:

Without comment, HB06-1181, 1010, 1105, 1162, and 1239.
Without comment, as amended, HB06-1053, 1079, 1076, 1165, 1183, 1118, 1160, 1122, 1169, 1020, 1108, and 1210.
With comment, as amended, HB06-1107.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR06-010 by Senator(s) Windels; also Representative(s) Benefield--Concerning support of the Colorado campaign for the civic mission of public schools, and, in connection therewith, recognizing former Congressman David Skaggs' work in the area of civic education.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

HB06-1010 by Representative(s) Weissmann, Penry, Benefield, Curry, Garcia, Hodge, Marshall, McFadyen, Merrifield, Plant, Todd; also Senator(s) Hanna--Concerning state participation in government procurement rules of an international trade agreement.
State, Veterans & Military Affairs

HB06-1020 by Representative(s) Rose; also Senator(s) Entz--Concerning the issuance of special license plates for motor vehicles valued by collectors due to their early date of manufacture.
Transportation

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| HB06-1053 | by Representative(s) Pommer; also Senator(s) Entz--Concerning the enforceability as a local option of local government master plans for land use management. Local Government | 1 2 3 4 |
| HB06-1076 | by Representative(s) Penry; also Senator(s) Traylor--Concerning immunity from civil liability under the "Volunteer Service Act". Judiciary | 5 6 7 8 |
| HB06-1079 | by Representative(s) Frangas, Coleman, Green, Penry; also Senator(s) Johnson--Concerning penalties against medical providers for the unlawful receipt of payment from medicaid recipients. Health and Human Services | 9 10 11 12 13 |
| HB06-1088 | by Representative(s) Marshall; also Senator(s) Sandoval--Concerning the modification of statutes of limitations for commencing court proceedings involving unlawful sexual behavior toward children. Judiciary | 14 15 16 17 18 |
| HB06-1105 | by Representative(s) McCluskey; also Senator(s) Tapia--Concerning the pilot program for the director of research of the legislative council to use a dynamic model to analyze the economic impact of bills that make a tax policy change. Finance | 19 20 21 22 23 |
| HB06-1107 | by Representative(s) Benefield, Cloer, Green, Larson, Lindstrom, McFadyen, Solano, Sullivan, Vigil; also Senator(s) Shaffer--Concerning the requirements pertaining to the issuance of instruction permits to minors. Transportation | 24 25 26 27 28 |
| HB06-1108 | by Representative(s) Benefield, Borodkin, Butcher, Carroll M., Green, Marshall, McGihon, Merrifield, Solano, Todd, Vigil, Witwer, Larson, Massey; also Senator(s) Shaffer, Williams, Windels--Concerning a requirement that courts order minors under eighteen years of age who are convicted of traffic violations other than traffic infractions to attend a driver improvement school. Judiciary | 29 30 31 32 33 34 35 |
| HB06-1118 | by Representative(s) Larson; also Senator(s) Isgar--Concerning actions taken against a person licensed to operate a commercial motor vehicle that deny the person the privilege of operating such motor vehicle. Judiciary | 36 37 38 39 40 |
| HB06-1122 | by Representative(s) Todd, Benefield, Berens, Decker, Hodge, Lindstrom; also Senator(s) Spence--Concerning procedures relating to missing persons. Judiciary | 41 42 43 44 |
| HB06-1160 | by Representative(s) Butcher; also Senator(s) Tapia--Concerning the inclusion of certain schools in the second chance program for problem students. Education | 45 46 47 48 |
| HB06-1162 | by Representative(s) May M.; also Senator(s) Williams--Concerning restrictions on minor drivers under eighteen years of age. Transportation | 49 50 51 52 |
| HB06-1165 | by Representative(s) Hodge; also Senator(s) Tapia--Concerning the authority of local governments to install safety measures at highway-rail grade crossings in order to create railroad quiet zones in compliance with federal law. Local Government | 53 54 55 56 57 |
| HB06-1169 | by Representative(s) Decker, Cloer, Harvey, Todd; also Senator(s) Bacon--Concerning protecting personal information in domestic case filings that are open to inspection by the public. Judiciary | 58 59 60 61 62 |
| HB06-1183 | by Representative(s) Berens; also Senator(s) Tapia--Concerning land surveyors. Local Government | 63 64 65 |
| HB06-1210 | by Representative(s) Witwer; also Senator(s) Tochtrop--Concerning the addition of a new member to the Colorado recreational trails committee who represents the state board of the great outdoors Colorado trust fund. Agriculture, Natural Resources & Energy | 66 67 68 69 70 71 72 |

HB06-1239 by Representative(s) Hoppe; also Senator(s) Isgar--Concerning continuation of the "Pesticide Applicators' Act".
Agriculture, Natural Resources & Energy

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:

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

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

| YES | 20 | NO | 12 | EXCUSED | 3 | ABSENT | 0 |
|----------|----|----------|----|----------|---|-----------|---|
| Bacon | N | Hanna | N | Mitchell | Y | Tochtrop | Y |
| Brophy | Y | Isgar | N | Owen | N | Traylor | Y |
| Dyer | Y | Johnson | Y | Sandoval | Y | Tupa | N |
| Entz | Y | Jones | Y | Shaffer | N | Veiga | N |
| Evans | Y | Keller | N | Spence | Y | Wiens | Y |
| Gordon | Y | Kester | Y | Takis | Y | Williams | N |
| Groff | Y | Lamborn | Y | Tapia | N | Windels | N |
| Grossman | E | May R. | Y | Taylor | Y | President | N |
| Hagedorn | Y | McElhany | E | Teck | E | | |

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

Co-sponsors added: Evans and Spence.

SB06-134 by Senator(s) Sandoval; also Representative(s) Boyd--Concerning the elimination of resource limitations as a condition of eligibility for the Colorado works program.

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

| YES | 30 | NO | 2 | EXCUSED | 3 | ABSENT | 0 |
|----------|----|----------|---|----------|---|-----------|---|
| Bacon | Y | Hanna | Y | Mitchell | Y | Tochtrop | Y |
| Brophy | Y | 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 | E | May R. | N | Taylor | Y | President | Y |
| Hagedorn | Y | McElhany | E | Teck | E | | |

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

Co-sponsors added: Bacon, Groff, Hanna, Shaffer, Tochtrop, Veiga, Williams and Windels.

SB06-075 by Senator(s) Hanna; also Representative(s) Todd--Concerning human behaviors related to wildlife in urban areas.

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

| YES | 18 | NO | 15 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|----------|----|----------|---|-----------|---|
| Bacon | Y | Hanna | Y | Mitchell | N | 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 | N | Takis | Y | Williams | Y |
| Groff | Y | Lamborn | N | Tapia | Y | Windels | Y |
| Grossman | Y | May R. | N | Taylor | N | President | Y |
| Hagedorn | Y | McElhany | E | Teck | E | | |

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

Co-sponsors added: Shaffer and Williams.

HB06-1094 by Representative(s) White; also Senator(s) Teck--Concerning the notice of valuation of taxable personal property on oil and gas leaseholds and lands.

Laid over until Wednesday, February 22, retaining its place on the calendar.

SB06-163 by Senator(s) Kester; also Representative(s) Jahn--Concerning the date on which a lien on a motor vehicle is perfected.

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

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|----------|---|----------|---|-----------|---|
| Bacon | Y | Hanna | Y | Mitchell | Y | Tochtrop | Y |
| Brophy | Y | Isgar | Y | Owen | Y | Traylor | Y |
| Dyer | Y | 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. | Y | Taylor | Y | President | Y |
| Hagedorn | Y | McElhany | E | Teck | E | | |

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

Co-sponsors added: Lamborn, May R., Mitchell, Spence and Taylor.

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 (HB06-1027) of February 21 was laid over until Wednesday, February 22, retaining its place on the calendar.

Committee of the Whole On motion of Senator Taylor, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Taylor was called to the Chair to act as Chairman.

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:

SB06-178 by Senator(s) Mitchell; also Representative(s) White--Concerning the tax credit for redevelopment of contaminated land, and, in connection therewith, eliminating the requirement that the redevelopment occur in a municipality that has a population of ten thousand or more persons.

(Amended in General Orders as printed in Senate Journal, February 20, page 275.)

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB06-091 by Senator(s) Tupa, Groff; also Representative(s) Riesberg, Coleman, Gallegos, Todd--Concerning a prohibition against using telephone records without authorization.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.

(Printed in Senate Journal, February 7, pages 146-149 and placed in members' bill files.)

Amendment No. 2(L.004), by Senators Brophy and Tupa.

Amend the Business Affairs, Labor, and Technology Committee Report, dated February 6, 2006, page 3, strike lines 11 through 34.

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Page 4, strike lines 1 through 29.

Amendment No. 3(L.008), by Senator Mitchell.

Amend the Business, Labor, and Technology Committee Report, dated February 6, 2006, page 5, strike lines 14 through 19 and substitute the following:

"(2) NO TELECOMMUNICATIONS PROVIDER SHALL BE LIABLE FOR DAMAGES IN A CLAIM BASED, IN WHOLE OR IN PART, ON ACTS OF THIRD PARTIES THAT VIOLATE SECTION 18-13-125, C.R.S." .

Amendment No. 4(L.007), by Senator Tupa.

Amend the Business, Labor, and Technology Committee Report, dated February 6, 2006, page 2, line 3, after "PERSON", insert "OR THE AGENT OF THE PERSON";

line 4, after "PERSON", insert "OR THE AGENT OF THE PERSON";

after line 6, insert the following:

"(c) "TELECOMMUNICATIONS PROVIDER" MEANS A COMPANY AND ITS AFFILIATES THAT PROVIDE COMMERCIAL TELEPHONE SERVICE TO A CUSTOMER, IRRESPECTIVE OF THE TECHNOLOGY EMPLOYED, INCLUDING, WITHOUT LIMITATION, WIRED, WIRELESS, CABLE, BROADBAND, SATELLITE, OR VOICE-OVER-INTERNET PROTOCOL.";

line 7, strike "(c)" and substitute "(d) (I)";

after line 14, insert the following:

"(II) "TELEPHONE RECORD" SHALL NOT INCLUDE A DIRECTORY LISTING OR INFORMATION COLLECTED AND RETAINED BY CUSTOMERS UTILIZING CALLER IDENTIFICATION TECHNOLOGY OR SIMILAR TECHNOLOGY.";

line 24, strike "LAW;" and substitute "COLORADO LAW, ANY OTHER STATE LAW, OR FEDERAL LAW, INCLUDING, WITHOUT LIMITATION, THE RULES PROMULGATED BY THE FEDERAL COMMUNICATIONS COMMISSION;"

line 25, strike "TO PROVIDE SERVICES" and substitute "TO OPERATIONS OF THE TELECOMMUNICATIONS PROVIDER, OR TO PROVIDE SERVICES OR PRODUCTS," .

Page 3, line 5, strike "13032." and substitute "13032;"

after line 5, insert the following:

"(VI) IS IN CONNECTION WITH THE SALE, PURCHASE, OR TRANSFER OF ALL OR PART OF A TELECOMMUNICATIONS PROVIDER'S BUSINESS; OR

(VII) IS IN CONNECTION WITH THE MIGRATION OF A CUSTOMER FROM ONE TELECOMMUNICATIONS PROVIDER TO ANOTHER.";

strike lines 11 through 34 and substitute the following:

"(6) THIS SECTION SHALL NOT APPLY TO A TELECOMMUNICATIONS PROVIDER OR ITS AGENTS OR REPRESENTATIVES WHO REASONABLY AND IN GOOD FAITH ACT PURSUANT TO COLORADO LAW, ANY OTHER STATE LAW, OR FEDERAL LAW, INCLUDING, WITHOUT LIMITATION, THE RULES PROMULGATED BY THE FEDERAL COMMUNICATIONS COMMISSION, NOTWITHSTANDING A LATER DETERMINATION THAT THE ACT WAS NOT AUTHORIZED BY SUCH LAW." .

Page 4, strike lines 1 though 29.

Page 5, line 14, strike "CARRIER" and substitute "PROVIDER";

line 17, strike "CARRIER" and substitute "PROVIDER";

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after line 19, insert the following:

"(3) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A NEW DUTY OR EXPAND THE EXISTING DUTY OF A TELECOMMUNICATIONS PROVIDER TO PROTECT TELEPHONE RECORDS BEYOND THOSE OTHERWISE ESTABLISHED BY COLORADO LAW, ANY OTHER STATE LAW, OR FEDERAL LAW, INCLUDING, WITHOUT LIMITATION, THE RULES PROMULGATED BY THE FEDERAL COMMUNICATIONS COMMISSION.

(4) THIS SECTION SHALL NOT APPLY TO A TELECOMMUNICATIONS PROVIDER OR ITS AGENTS OR REPRESENTATIVES WHO REASONABLY AND IN GOOD FAITH ACT PURSUANT TO COLORADO LAW, ANY OTHER STATE LAW, OR FEDERAL LAW, INCLUDING, WITHOUT LIMITATION, THE RULES PROMULGATED BY THE FEDERAL COMMUNICATIONS COMMISSION, NOTWITHSTANDING A LATER DETERMINATION THAT THE ACT WAS NOT AUTHORIZED BY SUCH LAW."

Amendment No. 5(L.005), by Senator Tupa.

Amend the Business, Labor, and Technology Committee Report, dated February 6, 2006, page 2, strike lines 15 and 16.

Renumber succeeding subsections accordingly.

Page 2, line 20, before "AS", insert "OR".

Page 3, line 17, strike "(6)." and substitute "(5).";

line 23, strike "(6)," and substitute "(5),".

Page 4, line 24, strike "(6)" and substitute "(5)".

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

SB06-119 by Senator(s) Groff; also Representative(s) Garcia--Concerning an increase in the aggregate outstanding principal amount of bonds that may be secured by the state's moral obligation to the Colorado educational and cultural facilities authority.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06-137 by Senator(s) Williams; also Representative(s) Massey--Concerning the elimination of outdated provisions of law related to the elementary and secondary education system resulting from the law's obsolescence or infrequency of use, and, in connection therewith, repealing or amending various provisions of law.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 16, page 217 and placed in members' bill files.)

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

HB06-1049 by Representative(s) Witwer; also Senator(s) Grossman--Concerning limitations on liability for owners of abandoned mining operations on land made available for public recreational purposes.

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

SB06-100 by Senator(s) Sandoval, Gordon, Tochtrop, Williams, Isgar; also Representative(s) Pommer, Cerbo, Madden--Concerning the creation of a Colorado "Kids First" special license plate.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 1, pages 107-108 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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- SB06-080** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the creation of the support the troops special license plate for motor vehicles. 1
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- Amendment No. 1, Transportation Committee Amendment. 4
(Printed in Senate Journal, February 1, page 108 and placed in members' bill files.) 5
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- Amendment No. 2, Appropriations Committee Amendment. 7
(Printed in Senate Journal, February 17, page 230 and placed in members' bill files.) 8
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- Amendment No. 3(L.004), by Senator Tochtrop. 10
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- Amend the Transportation Committee Report, dated January 31, 2006, 12
page 1, line 1, strike "AND" and substitute "AND";"; 13
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- after line 1, insert the following: 15
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- "line 5, strike "retirement." and substitute "retirement - repeal.""; 17
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- strike lines 3 through 5 of the committee report and substitute the 19
following: 20
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- ""PROVIDES A CERTIFICATE ISSUED BY THE ADJUTANT GENERAL, 22
APPOINTED PURSUANT TO SECTION 28-3-105, C.R.S., SHOWING THE 23
PERSON HAS DONATED TEN DOLLARS TO THE VETERAN'S CHARITIES GRANT 24
FUND CREATED IN SUBSECTION (4) OF THIS SECTION.""; 25
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- strike line 27 and substitute the following: 27
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- "(4) (a) THERE IS HEREBY CREATED THE VETERAN'S CHARITIES 29
GRANT FUND. THE FUND SHALL CONSIST OF MONEYS COLLECTED 30
PURSUANT TO THIS SECTION AND ANY OTHER GIFTS, GRANTS, OR 31
DONATIONS. MONEYS DONATED TO THE FUND SHALL BE TRANSFERRED TO 32
THE STATE TREASURER AND CREDITED TO THE FUND. 33
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- (b) (I) THE ADJUTANT GENERAL SHALL REGULARLY SELECT A 35
CHARITY TO RECEIVE GRANTS FROM THE VETERAN'S CHARITIES GRANT 36
FUND BASED UPON THE CHARITY'S ABILITY TO MINISTER TO THE NEEDS OF 37
VETERANS AND THEIR FAMILIES. THE CHARITY SELECTED SHALL USE THE 38
MONEYS TO AID VETERANS AND THEIR FAMILIES BUT MAY KEEP UP TO TEN 39
PERCENT OF THE MONEYS FOR ADMINISTRATIVE COSTS. 40
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- (II) (A) THE ADJUTANT GENERAL SHALL MAKE GRANT DECISIONS 42
BASED UPON THE RECOMMENDATIONS OF THE COLORADO BOARD OF 43
VETERANS AFFAIRS, CREATED IN SECTION 28-5-702, C.R.S. 44
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- (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 46
2007, IF THE COLORADO BOARD OF VETERANS AFFAIRS IS NOT EXTENDED 47
BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 24-34-104, C.R.S." 48
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- Page 4, strike lines 1 and 2." 50
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 53
Passage. 54
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- SB06-028** by Senator(s) Lamborn; also Representative(s) Frangas--Concerning the creation of a 56
bronze star special license plate. 57
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- Amendment No. 1, Transportation Committee Amendment. 59
(Printed in Senate Journal, February 1, page 108 and placed in members' bill files.) 60
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- Amendment No. 2, Appropriations Committee Amendment. 62
(Printed in Senate Journal, February 17, pages 230-231 and placed in members' bill files.) 63
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 65
Passage. 66
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- SB06-115** by Senator(s) Takis; also Representative(s) Larson--Concerning the rights of a local government with regard to the construction of a private toll road or toll highway. 1
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Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 17, pages 239-240 and placed in members' bill files.) 13
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 24
- SB06-010** by Senator(s) Isgar; also Representative(s) Ragsdale, Larson, McFadyen, Pommer--Concerning the appearance of a commercial vehicle's owner in a court hearing concerning a permit or documentation violation. 25
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Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 17, page 240 and placed in members' bill files.) 69
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB06-167** by Senator(s) Hanna, Bacon, Groff, Grossman, Keller, Takis, Williams, Windels; also Representative(s) Sullivan--Concerning workplace accommodations for breastfeeding mothers. 73
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Amendment No. 1, State, Veteran & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 16, page 226 and placed in members' bill files.)

Amendment No. 2(L.010), by Senators Johnson, Tupa, and Hanna.

Amend the State, Veterans and Military Affairs Committee Report, dated February 15, 2006, page 1, strike line 9 and substitute the following:

"Page 4, strike line 8, and substitute the following:

"mothers - break time - private location. (1) (a) FOR PURPOSES OF THIS SUBSECTION (1), "EMPLOYER" MEANS AN EMPLOYER COVERED BY COLORADO MINIMUM WAGE ORDER NUMBER 22.

(b) IN ADDITION TO A MEAL";".

Page 2 of the committee report, strike lines 5 through 10 and substitute the following:

""(c) AN EMPLOYER OF AN EMPLOYEE WHO IS EXEMPT FROM COLORADO MINIMUM WAGE ORDER NUMBER 22 SHALL NOT BE REQUIRED TO PROVIDE THE BREAKS REQUIRED BY THIS SUBSECTION (1) TO AN EXEMPT EMPLOYEE UNLESS THE EMPLOYER CURRENTLY PROVIDES BREAK OR REST PERIODS TO ITS EXEMPT EMPLOYEES.

(d) AN EMPLOYER THAT IS NOT SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (1) MAY:

(I) NEGOTIATE WITH AN EMPLOYEE WHO WISHES TO BREASTFEED OR EXPRESS BREAST MILK FOR HER CHILD DURING THE WORKDAY TO PROVIDE ONE OR MORE BREAK PERIODS EACH DAY TO THE EMPLOYEE;

(II) LIMIT THE TOTAL AMOUNT OF DAILY BREAK TIME ALLOWED TO THE EMPLOYEE, INCLUDING THE MEAL BREAK, TO AN AMOUNT OF TIME THAT IS STANDARD FOR THAT EMPLOYER; AND

(III) REDUCE THE EMPLOYEE'S MEAL BREAK, AS NECESSARY, TO ALLOW THE EMPLOYEE THE ADDITIONAL BREAK PERIODS THAT HAVE BEEN NEGOTIATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).";".

Amendment No. 3(L.011), by Senator Hanna.

Amend printed bill, page 4, line 25, after "PRIVACY.", add "NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE AN EMPLOYER TO

DISPLACE OR RELOCATE EMPLOYEES FROM EXISTING OFFICE SPACE IN ORDER TO PROVIDE A PRIVATE LOCATION FOR AN EMPLOYEE TO BREASTFEED OR EXPRESS BREAST MILK."

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

SB06-109 by Senator(s) Tochtrop; also Representative(s) Butcher--Concerning a prohibition against the use of credit-based insurance scoring for insurance underwriting purposes.

(Amended in General Orders as printed in Senate Journal, February 10, page 177.)

Amendment No. 2(L.005), by Senator Tochtrop.

Amend the State, Veterans, and Military Affairs Committee Report, dated February 6, 2006, page 1, line 8, after "INSURERS", insert "AND THE VIRGINIA BUREAU OF INSURANCE REPORT AND THE WASHINGTON STUDY".

As amended, laid over and placed at the end of the General Orders -- Second Reading of Bills calendar of February 21.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB06-153, SB06-159, SB06-156, SB06-068, SB06-037, SB06-143, SB06-102, SB06-125, SB06-040, SB06-123, SB06-168, SB06-164, SB06-109 as amended) of February 21, was laid over until Wednesday, February 22, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06-178 by Senator(s) Mitchell; also Representative(s) White--Concerning the tax credit for redevelopment of contaminated land, and, in connection therewith, eliminating the requirement that the redevelopment occur in a municipality that has a population of ten thousand or more persons.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that SB 06-178, as amended, was not sent to the Appropriations Committee and did pass general orders, second reading of bills.

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

| YES | 14 | NO | 18 | EXCUSED | 3 | ABSENT | 0 |
|----------|----|----------|----|----------|---|-----------|---|
| Bacon | N | Hanna | N | Mitchell | Y | Tochtrop | N |
| Brophy | Y | Isgar | N | Owen | Y | Traylor | Y |
| Dyer | Y | Johnson | Y | Sandoval | N | Tupa | N |
| Entz | Y | Jones | Y | Shaffer | N | Veiga | N |
| Evans | Y | Keller | N | Spence | Y | Wiens | E |
| Gordon | N | Kester | Y | Takis | N | Williams | N |
| Groff | N | Lamborn | Y | Tapia | N | Windels | N |
| Grossman | N | May R. | Y | Taylor | Y | President | N |
| Hagedorn | N | McElhany | E | Teck | E | | |

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Taylor, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06-091 as amended, SB06-119, SB06-137 as amended, HB06-1049, SB06-100 as amended, SB06-080 as amended, SB06-028 as amended, SB06-115 as amended, SB06-010 as amended, SB06-167 as amended.

Referred to Appropriations: SB06-178 as amended.

Laid over until Wednesday, February 22: SB06-153, SB06-159, SB06-156, SB06-068, SB06-037, SB06-143, SB06-102, SB06-125, SB06-040, SB06-123, SB06-168, SB06-164, SB06-109 as amended.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that HB06-1051 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB06-154 be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that HB06-1002 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 HB06-1140 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 SB06-180 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 11, strike "DISCOUNT PILOT" and substitute "SUBSIDY".

Business, Labor, & Technology After consideration on the merits, the Committee recommends that HB06-1040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 7, strike "The functions of the division of" and substitute "The functions of the division of";

strike lines 8 through 11 and substitute the following:

"insurance related to the issuance of certificates of authority for health and life insurers are repealed, effective July 1, 2006, pursuant to the provisions of this section and section 24-34-104 (37), C.R.S.".

Page 5, strike lines 14 through 22.

Renumber succeeding section accordingly.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that SB06-071 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 8, strike "CONSULTANT." and substitute "CONSULTANT OR AN EQUITY PURCHASER. "ASSOCIATE" DOES NOT INCLUDE A PERSON WHO IS EXCLUDED FROM THE DEFINITION OF AN "EQUITY PURCHASER" OR A "FORECLOSURE CONSULTANT".";

strike lines 9 through 12.

Renumber succeeding subsections accordingly.

Page 3, line 26, strike "OR".

Page 4, line 1, strike "ADOPTION." and substitute "ADOPTION; OR";

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after line 1, insert the following:

"(g) A PERSON DOING BUSINESS UNDER ANY LAW OF THIS STATE OR THE UNITED STATES, WHICH LAW REGULATES BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS, INSURANCE COMPANIES, TITLE INSURERS, INSURANCE PRODUCERS, OR ESCROW COMPANIES AUTHORIZED TO CONDUCT BUSINESS IN THE STATE, WHILE THE PERSON PERFORMS SERVICES AS PART OF THE PERSON'S NORMAL BUSINESS ACTIVITIES, AN AFFILIATE OR SUBSIDIARY OF ANY OF THE FOREGOING, OR AN EMPLOYEE OR AGENT ACTING ON BEHALF OF ANY OF THE FOREGOING.";

strike line 2 and substitute the following:

"(3) "EVIDENCE OF DEBT" SHALL HAVE THE MEANING ESTABLISHED IN SECTION 38-38-101, C.R.S.";

line 3, after "PERSON", insert "WHO DOES NOT, DIRECTLY OR THROUGH AN ASSOCIATE, TAKE OR ACQUIRE ANY INTEREST IN OR TITLE TO THE RESIDENCE IN FORECLOSURE AND";

strike line 6 and substitute the following:

"TO PERFORM, IN EXCHANGE FOR COMPENSATION FROM THE HOME OWNER OR FROM THE PROCEEDS OF ANY LOAN OR ADVANCE OF FUNDS, A";

strike lines 12 and 13 and substitute the following:

"PROVIDED IN ARTICLE 38 OF TITLE 38, C.R.S. ;";

line 17, strike "A PROMISSORY NOTE OR CONTRACT" and substitute "AN EVIDENCE OF DEBT";

line 18, strike "THAT" and substitute "SUCH";

line 22, strike "AMELIORATE" and substitute "REDUCE";

line 23, strike "NOTICE OF";

line 24, strike "DEFAULT,";

line 25, strike "THE CONDUCT OF A" and substitute "DUE TO ANY";

strike line 27 and substitute the following:

"FORECLOSURE OR RESULTING FROM ANY LATE PAYMENT OR OTHER FAILURE TO PAY OR PERFORM UNDER THE EVIDENCE OF DEBT, THE DEED OF TRUST, OR OTHER LIEN SECURING SUCH EVIDENCE OF DEBT;" .

Page 5, strike lines 1 and 2 and substitute the following:

"(VIII) IN ANY WAY DELAY, HINDER, OR PREVENT THE FORECLOSURE UPON THE HOME OWNER'S RESIDENCE; OR";

line 4, strike "TRUSTEE" and substitute "GRANTEE";

line 5, strike "TRUSTEE," and substitute "GRANTEE,";

strike lines 7 through 11 and substitute the following:

"RESIDENCE IN FORECLOSURE.

(b) THE TERM "FORECLOSURE";

line 13, strike "ADMITTED" and substitute "LICENSED";

strike lines 17 and 18 and substitute the following:

"THE BENEFICIARY, MORTGAGEE, GRANTEE, OR HOLDER OF ANY LIEN BEING ENFORCED BY WAY OF FORECLOSURE OR OTHERWISE FORECLOSED;

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(II) A HOLDER OR SERVICER OF AN EVIDENCE OF DEBT OR THE ATTORNEY FOR THE HOLDER OR SERVICER OF AN EVIDENCE OF DEBT SECURED BY A DEED OF TRUST OR OTHER";

line 19, strike "BY A";

line 20, strike "OBLIGATION OR LIEN;" and substitute "EVIDENCE OF DEBT, LIEN, DEED OF TRUST, OR OTHER LIEN SECURING SUCH DEBT;"

strike lines 21 through 27 and substitute the following:

"(III) A PERSON DOING BUSINESS UNDER ANY LAW OF THIS STATE OR THE UNITED STATES, WHICH LAW REGULATES BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS, INSURANCE COMPANIES, TITLE INSURERS, INSURANCE PRODUCERS, OR ESCROW COMPANIES AUTHORIZED TO CONDUCT BUSINESS IN THE STATE, WHILE THE PERSON PERFORMS SERVICES AS PART OF THE PERSON'S NORMAL BUSINESS ACTIVITIES, AN AFFILIATE OR SUBSIDIARY OF ANY OF THE FOREGOING, OR AN EMPLOYEE OR AGENT ACTING ON BEHALF OF ANY OF THE FOREGOING."

Page 6, strike line 1.

Reletter succeeding subparagraphs accordingly.

Page 6, line 2, after "IF", insert "THE JUDGMENT IS RECORDED IN THE REAL PROPERTY RECORDS OF THE CLERK AND RECORDER OF THE COUNTY WHERE THE RESIDENCE IN FORECLOSURE IS LOCATED AND";

strike lines 5 through 11 and substitute the following:

"38-38-101, C.R.S.;

(VI) A TITLE INSURANCE COMPANY OR TITLE INSURANCE AGENT AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE, WHILE PERFORMING TITLE INSURANCE AND SETTLEMENT SERVICES;"

after line 21, insert the following:

"(6) "HOLDER" SHALL HAVE THE MEANING ESTABLISHED IN SECTION 38-38-101, C.R.S."

Reletter succeeding subsections accordingly.

Page 9, line 2, strike "60" and substitute "SIXTY" and strike "CALCULATED";

strike line 3 and substitute the following:

"PRIME RATE PUBLISHED BY THE FEDERAL RESERVE PLUS TWO PERCENTAGE POINTS, WITH THE TOTAL INTEREST RATE NOT TO EXCEED EIGHT PERCENT PER YEAR."

Page 11, line 5, strike "CALCULATED";

strike line 6 and substitute the following:

"PRIME RATE PUBLISHED BY THE FEDERAL RESERVE PLUS TWO PERCENTAGE POINTS, WITH THE TOTAL INTEREST RATE NOT TO EXCEED EIGHT PERCENT PER YEAR, FROM THE DATE OF EXPENDITURE UNTIL REPAYED BY THE HOME OWNER."

Page 12, strike line 3 and substitute the following:

"THE PRIME RATE PUBLISHED BY THE FEDERAL RESERVE AT THE TIME OF ANY LOAN PLUS PERCENTAGE TWO POINTS, WITH THE TOTAL INTEREST RATE NOT TO EXCEED EIGHT PERCENT PER YEAR;"

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line 14, strike "TAKE" and substitute "OBTAIN".

Page 13, line 19, strike "ON THE PART OF" and substitute "FOR".

Page 14, line 8, strike "EQUITY SELLER" and substitute "HOME OWNER";
strike lines 19 through 23 and substitute the following:

"(c) CLEAR AND CONSPICUOUS DISCLOSURE OF ANY FINANCIAL OR
LEGAL OBLIGATIONS OF THE HOME OWNER THAT WILL BE ASSUMED BY THE
EQUITY PURCHASER. IF THE EQUITY PURCHASER WILL NOT BE ASSUMING
ANY FINANCIAL OR LEGAL OBLIGATIONS OF THE HOME OWNER, THE EQUITY
PURCHASER SHALL PROVIDE TO THE HOME OWNER A SEPARATE WRITTEN
DISCLOSURE THAT SUBSTANTIALLY COMPLIES WITH SECTION 18-5-102 (6),
C.R.S.;"

Page 15, line 3, strike "EQUITY SELLER" and substitute "HOME OWNER";
strike lines 14 and 15 and substitute the following:

"BOLD-FACED TYPE, AND COMPLETED WITH THE NAME OF THE EQUITY".

Page 16, line 2, strike "EQUITY SELLER" and substitute "HOME OWNER";
line 4, strike "EQUITY" and substitute "HOME OWNER";

line 5, strike "SELLER";

line 6, strike "THE DAY SCHEDULED FOR";

line 9, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 14, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 17, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 20, strike "EQUITY SELLER'S" and substitute "HOME OWNER'S";

line 21, strike "TYPE IF THE" and substitute "TYPE,";

strike line 22.

Page 17, line 10, strike "EQUITY SELLER" and substitute "HOME OWNER".

Page 18, line 6, strike "EQUITY SELLER" and substitute "HOME OWNER";
strike lines 9 through 27 and substitute the following:

6-1-1115. Options through reconveyances. (1) A
TRANSACTION IN WHICH A HOME OWNER PURPORTS TO GRANT A
RESIDENCE IN FORECLOSURE TO AN EQUITY PURCHASER BY AN
INSTRUMENT THAT APPEARS TO BE AN ABSOLUTE CONVEYANCE AND
RESERVES TO THE HOME OWNER OR IS GIVEN BY THE EQUITY PURCHASER
AN OPTION TO REPURCHASE SHALL BE PERMITTED ONLY WHERE ALL OF THE
FOLLOWING CONDITIONS HAVE BEEN MET:

(a) THE RECONVEYANCE CONTRACT COMPLIES IN ALL RESPECTS
WITH SECTION 6-1-1112;

(b) THE RECONVEYANCE CONTRACT PROVIDES THE HOME OWNER
WITH A NONWAIVABLE SIXTY-DAY RIGHT TO CURE ANY DEFAULT OF SAID
RECONVEYANCE CONTRACT;

(c) THE EQUITY PURCHASER VERIFIES AND CAN DEMONSTRATE
THAT THE HOME OWNER HAS OR WILL HAVE A REASONABLE ABILITY TO
MAKE THE LEASE PAYMENTS AND TO REPURCHASE THE RESIDENCE IN
FORECLOSURE WITHIN THE TERM OF THE OPTION TO REPURCHASE UNDER
THE RECONVEYANCE CONTRACT. FOR PURPOSES OF THIS SECTION, THERE
IS A REBUTTABLE PRESUMPTION THAT THE HOME OWNER HAS A

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REASONABLE ABILITY TO MAKE LEASE PAYMENTS AND TO REPURCHASE THE RESIDENCE IN FORECLOSURE IF THE HOME OWNER'S PAYMENTS FOR PRIMARY HOUSING EXPENSES AND REGULAR PRINCIPAL AND INTEREST PAYMENTS ON OTHER PERSONAL DEBT DO NOT EXCEED SIXTY PERCENT OF THE HOME OWNER'S MONTHLY GROSS INCOME; AND

(d) THE EQUITY PURCHASER OTHERWISE COMPLIES FULLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS GOVERNING RESIDENTIAL OR CONSUMER LENDING."

Page 19, strike lines 1 through 3;

line 5, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 19, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 22, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 23, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 27, strike "EQUITY" and substitute "HOME OWNER;"

Page 20, strike line 1;

line 5, strike "EQUITY SELLER" and substitute "HOME OWNER";

strike line 10 and substitute the following:

"HOME OWNER.";

line 12, after "STATEMENTS", insert "OF MATERIAL FACT";

line 13, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 14, strike "EQUITY" and substitute "HOME OWNER'S";

line 15, strike "SELLER'S";

line 17, strike "EQUITY SELLER" and substitute "HOME OWNER";

line 21, strike "(2), (3), OR (4)" and substitute "(2) OR (3) OR WHO INTENTIONALLY VIOLATES SECTION 6-1-1117 (4)".

Page 21, line 19, strike "ON THE PART OF" and substitute "FOR".

Page 22, line 2, strike "EQUITY SELLER," and substitute "HOME OWNER,".

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1063** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB06-1028** be referred to the Committee on Appropriations with favorable recommendation.

MESSAGE FROM THE HOUSE

February 21, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1073,1187,1195,1319,1288,1177,1265,1242,1250,1254.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1159, amended as printed in House Journal, February 20, page 416.
HB06-1080, amended as printed in House Journal, February 20, page 416.
HB06-1285, amended as printed in House Journal, February 20, page 417.

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HB06-1179, amended as printed in House Journal, February 20, page 418.
HB06-1199, amended as printed in House Journal, February 20, page 419.

The House has voted to concur in the Senate amendments to HB06-1012, 1216,
1217,1218,1224,1235 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB06-1215 and requests
that a conference committee be appointed. The Speaker has appointed Representatives
Plant, chairman, Buescher, and Hall as House conferees on the First Conference
Committee on HB06-1215. The bill is transmitted herewith.

SENATE SERVICES REPORT

Correctly Printed: SB06-192, and 193; SCR06-003.
Correctly Engrossed: SB06-075, 134, and 163.
Correctly Reengrossed: SB06-036, 055, 066, 093, 106, 116, 121, 132, 140, 142, and 145.
Correctly Revised: HB06-1094, and 1215.
Correctly Rerevised: HB06-1015, 1213, 1214, 1216, 1218, 1219, 1220, 1221, 1222,
1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, and 1235.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB06-009.

MESSAGE FROM THE REVISOR OF STATUTES

February 21, 2006

We herewith transmit:

Without comment, HB06-1073, 1177, 1187, 1195, 1242, 1250, 1254, 1265, 1288, and
1319.
Without comment, as amended, HB06-1080, 1159, 1179, 1199, and 1285.

TRIBUTES

Honoring:

Fort Lewis College Men's Soccer Team -- by Senator Isgar.
Fort Lewis College Cycling Team -- by Senator Isgar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of February 21 was laid over until
Wednesday, February 22, retaining its place on the calendar.

Consideration of Governor's Appointments:
Members of the Board of Trustees for the Colorado School for the Deaf and Blind.

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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, February 22, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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