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

66th Legislative Day Friday, March 10, 2000

Call to Order
By the President at 9:00 a.m.

Prayer
By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral, Denver.

Roll Call
Present--Total, 31.
Absent/Excused--Rupert, Tanner, Tebedo, Wattenberg--Total, 4.
Present later--Rupert, Tanner, Tebedo, Wattenberg.

Quorum
The President announced a quorum present.

Reading of Journal
On motion of Senator Sullivant, reading of the Journal of Thursday, March 9th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services
Correctly engrossed: SB 00-186.
Correctly printed: SJR 00-007; SB00-204.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1037, 1087, 1092, 1154, 1226, 1310; HJR00-1010.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

The following resolution was read by title and taken upon immediate consideration:

SJR 00-007 by Senators Tanner and Rupert; also Representatives Leyba, Clarke and Tate--Concerning Harriet Tubman day.

WHEREAS, Abolitionist Harriet Tubman was one of the most courageous women in American history and a true founder of American freedom; and

WHEREAS, Harriet Tubman was born in bondage about 1821, in Bucktown on the eastern shore of Maryland, and escaped to freedom on the Underground Railroad during the summer of 1849; and

WHEREAS, Her passage to freedom inspired Harriet Tubman to help others escape from slavery by becoming a conductor on the Underground Railroad; and

WHEREAS, Harriet Tubman returned to the South nineteen times to assist other slaves in their efforts to escape bondage, thereby risking her own safety for the freedom of others and leading approximately 300 slaves to freedom; and

WHEREAS, Harriet Tubman served with valor and distinction as a soldier, spy, scout, nurse, and cook during the Civil War and was never rewarded for her military service or her endless efforts for the cause of freedom; and
WHEREAS, After the war, Harriet Tubman settled in her home in Auburn, New York, and continued to fight for the homeless and the elderly and for education and human rights; and

WHEREAS, Harriet Tubman has served as an inspiration of liberty, justice, and opportunity that serves us still; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That Friday, March 10, 2000, be proclaimed Harriet Tubman Day in the state of Colorado.

Be It Further Resolved, That we, the members of the Sixty-Second General Assembly of the state of Colorado, encourage all citizens to pause on this special day and reflect upon the achievements of this remarkable woman.

Senator Blickensderfer moved to suspend Senate Rule 30(b).

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(b) was suspended and immediate consideration was granted.

On motion of Senator Tanner, the resolution was ADOPTED by the following roll call vote:

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On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

A majority of those elected to the Senate having voted in the affirmative, Senator Anderson was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, by Senator Anderson

Amend engrossed bill, page 92, line 1, strike "(b)," and substitute "(b) and (2) (c), Colorado";

strike line 2;

strike lines 9 and 10.

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared ADOPTED.
Call of Senate

Call Raised.

The question being "Shall the bill, as amended, pass?" the roll was called with the following result:

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A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared PASSED.


CONSIDERATION OF GOVERNOR'S APPOINTMENT

On motion of Senator Wattenberg, the following Governor's appointment was confirmed by a roll call vote:

STATE BOARD OF AGRICULTURE

for a term expiring January 17, 2004:

Wesley A. Segelke of Englewood, Colorado, appointed;

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On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 36(c) was suspended for Consideration of Governor's appointment.

CONSIDERATION OF GOVERNOR'S APPOINTMENT

On motion of Senator Wham, the following Governor's appointment was confirmed by a roll call vote:
COMMISSION ON JUDICIAL DISCIPLINE

for terms expiring July 1, 2003:

Michael J. Norton of Englewood, Colorado, to serve as an attorney member, appointed;

C. Suzanne Mencer of Littleton, Colorado, to serve as a non-attorney member, appointed;

Preston C. White of Colorado Springs, Colorado, to serve as a non-attorney member.

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On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Special Orders.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB00-1164 were made Special Orders at 9:35 a.m.

Committee of the Whole The hour of 9:35 a.m. having arrived, Senator Evans moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Evans was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS--9:35 A.M.

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:

HB 00-1164 by Rep. Berry; Senator Tanner--Transportation Safety Program Funding
Ordered revised and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

HB00-1164 declared passed on Second Reading.

Committee of the Whole On motion of Senator Evans, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Evans 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:
HB 00-1108 by Rep. Ragsdale; Sen. Evans--Foster Care & Adoption Of Siblings

Laid over until Monday, March 13, retaining its place on the calendar.

HB 00-1277 by Rep. Dean; Sen. Sullivant--Condemnation By Park & Rec District

Laid over until Monday, March 13, retaining its place on the calendar.

SCR 00-002 by Sen. Blickensderfer; Rep. Dean--Timetable Redistricting General Assembly

Laid over until Tuesday, March 14, retaining its place on the calendar.

HB 00-1267 by Rep. Johnson; Senator Hillman--Extends Pet Animal Care & Facilities Act

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment
(Printed in Senate Journal, February 24, page 416.)

Amendment No. 2, by Senator Hillman

Amend the committee amendment, as printed in Senate Journal, February 24, page 416, line 56, strike "WITH PUREBRED DOGS";
line 58, strike "CLUB." and substitute "CLUB, UNITED KENNEL CLUB, OR ANY OTHER NATIONALLY RECOGNIZED REGISTERING ORGANIZATION.".

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

HB 00-1216 by Rep. Lawrence; Senator Arnold--Criminal Procedural Laws

Laid over until Monday, March 13, retaining its place on the calendar.

HB 00-1139 by Rep. Mace; Sen. Feeley--Appointment Of Guardians

Amendment No. 1, Judiciary Committee Amendment
(Printed in Senate Journal, February 29, pages 447-451.)

Amendment No. 2, by Senator Feeley

Amend the committee amendment, as printed in Senate Journal, February 29, page 451, line 11, strike "or conservators";
line 15, strike "or conservators".

Amendment No. 3, by Senator Feeley

Amend the committee amendment, as printed in Senate Journal, February 29, page 447, strike lines 59 through 62 and substitute the following:
"Amend reengrossed bill, page 2, line 12, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN";
line 18, strike "OR LEGAL";
line 19, strike "CUSTODY";
line 20, strike "OR LEGAL CUSTODIAN";
line 21, after "INCAPACITATED.", insert "A GUARDIAN MAY NOT APPOINT A SURVIVING PARENT WHO HAS NO PARENTAL RIGHTS TO BE A SUCCESSOR GUARDIAN.";
line 24, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN";

line 26, strike "parent, GUARDIAN OR LEGAL." and substitute "parent OR GUARDIAN";

Page 3, line 1, strike "CUSTODIAN";

line 6, strike "GUARDIAN OR A LEGAL CUSTODIAN," and substitute "GUARDIAN,";

line 8, strike "GUARDIAN OR LEGAL." and substitute "GUARDIAN,";

line 9, strike "CUSTODIAN,";

line 20, strike "OR LEGAL CUSTODY";

line 22, strike "OR LEGAL CUSTODIAN";

line 23, strike "OR LEGAL CUSTODIAN".

Page 4, line 1, strike "OR LEGAL CUSTODY";

strike lines 8 through 10 and substitute the following:

"of a guardian; which supersedes the appointment by written instrument
and that no other guardian has been appointed;";

line 21, strike "GUARDIAN" and substitute "GUARDIAN,:";

line 22, strike "OR LEGAL CUSTODIAN,";

line 24, strike "OR LEGAL CUSTODIAN".;

after line 64 of the committee amendment, insert the following:

"Page 6 of the bill, line 18, strike the last "OR";

line 19, strike "LEGAL CUSTODIAN HAD" and substitute "HAS".

Page 7 of the bill, line 21, strike "OR LEGAL CUSTODY";

line 24, strike "OR LEGAL CUSTODIAN".

Page 8 of the bill, line 11, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN";".

Page 448, line 5, strike "PARENT," and substitute "PARENT OR";

line 6, strike "GUARDIAN, OR LEGAL CUSTODIAN" and substitute "GUARDIAN";

line 18, strike "OR LEGAL CUSTODIAN";

line 20, strike "PARENT, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "PARENT OR GUARDIAN";

line 22, after "guardian," insert "A GUARDIAN MAY NOT APPOINT A SURVIVING PARENT WHO HAS NO PARENTAL RIGHTS TO BE A SUCCESSOR GUARDIAN;";

line 23, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN";

strike lines 26 through 28 and substitute the following:

"(2) Upon petition of an appointing parent OR GUARDIAN and a
finding that the appointing parent OR GUARDIAN will likely become
unable to care for the child within two";

line 31, strike "PARENT, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "PARENT OR GUARDIAN";
strike lines 38 through 42 and substitute the following:

"PARENT OR GUARDIAN, an adjudication that the parent OR GUARDIAN is an incapacitated person, or a written determination by a physician who has examined the parent OR GUARDIAN that the parent OR GUARDIAN is no longer able to care for the child, whichever occurs first.";

line 55, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN," and substitute "parent OR GUARDIAN;"

line 57, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN".

Page 449, strike lines 4 through 8 and substitute the following:

"died or was adjudged incapacitated has priority. IF A GUARDIAN SURVIVES THE DEATH OR ADJUDICATION OF INCAPACITY OF BOTH PARENTS, AN APPOINTMENT BY THE LAST PARENT OR GUARDIAN WHO DIED OR WAS ADJUDGED INCAPACITATED HAS PRIORITY. An appointment by a parent OR GUARDIAN;"

line 40, strike "parent," and substitute "parent OR;"

line 41, strike "GUARDIAN, OR LEGAL CUSTODIAN." and substitute "GUARDIAN;"

line 48, strike "PARENT, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "PARENT OR GUARDIAN".

Page 450, line 4, strike "OR LEGAL CUSTODY";

line 6, strike the second "OR;"

line 7, strike "LEGAL CUSTODIAN;"

line 13, strike "parent, GUARDIAN, OR LEGAL" and substitute "parent OR GUARDIAN;"

line 14, strike "CUSTODIAN".

Page 451, line 1, strike "parent, GUARDIAN, OR LEGAL CUSTODIAN" and substitute "parent OR GUARDIAN".

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

HB 00-1309 by Rep. Mitchell; Senator Teck--Junk Email Law

Laid over until Tuesday, March 14, retaining its place on the calendar.

HB 00-1268 by Rep. McKay; Senator Teck--Property Tax Assessment

Amendment No. 1, Finance Committee Amendment
(Printed in Senate Journal, March 1, page 458.)

Amendment No. 2, by Senator Teck

Amend reengrossed bill, page 2, line 9, strike "BY A PRIVATE OCCUPATIONAL;"

strike line 10 and substitute "IN;"

line 11, strike "TRAINING AND IS" and substitute "INSTRUCTION;"
Amendment No. 3, by Senator Phillips

Amend reengrossed bill, page 5, line 9, strike "request" and substitute "WRITTEN request BY THE AGENT OR OWNER".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see page 578, where the Teck amendment to the Report of the Committee of the Whole was adopted.)

HB 00-1315 by Rep. Allen; Sen. Hillman--Standards For Recycled Wastewater

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

SB 00-021 by Sen. Dennis; Rep. McPherson--Fugitive Location And Apprehension

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

SB 00-135 by Sen. Arnold--State Communications Systems

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment
(Printed in Senate Journal, February 7, page 228.)

Amendment No. 2, Appropriations Committee Amendment
(Printed in Senate Journal, March 6, page 482.)

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

HB 00-1055 by Rep. Lawrence; Senator Arnold--Capital Construction Fund Transfer

Laid over until Monday, March 13, retaining its place on the calendar.

HB 00-1297 by Rep. Morrison; Sen. Epps--Elimination Of Certain Agency Reports

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, March 6, pages 490-491.)

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

The following bills on the General Orders calendar of Friday, March 10, were laid over until Monday, March 13:

HB00-1105, HB00-1040, SB00-164, HB00-1095, HB00-1293, HB00-1180, HB00-1258, HB00-1185, HB00-1240, HB00-1112.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB 00-1268 by Rep. McKay; Senator Teck--Property Tax Assessment

Senator Teck moved to amend the Report of the Committee of the Whole to show that the following amendment, made to HB00-1268, as amended, did pass:

Amend reengrossed bill, page 2, line 12, strike "LICENSED BY THE DEPARTMENT OF EDUCATION" and substitute "AND IS LICENSED BY THE APPROPRIATE STATE AGENCY.".
A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared ADOPTED.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

SB00-021, HB00-1315 declared passed on Second Reading.
SB00-135, as amended; HB00-1267, as amended; HB00-1139, as amended;
HB00-1268, as amended; HB00-1297, as amended declared passed on Second Reading.
HB00-1108, HB00-1277, HB00-1216, HB00-1055, HB00-1105, HB00-1040,
SB00-164, HB00-1095, HB00-1293, HB00-1180, HB00-1258, HB00-1185, HB00-1240,
HB00-1112 laid over until Monday, March 13, retaining their place on the calendar.
SCR00-002, HB00-1309 laid over until Tuesday, March 14, retaining their place on the calendar.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 10, was laid over until Monday, March 13, retaining its place on the calendar.

APPOINTMENTS TO CONFERENCE COMMITTEE

HB 00-1179 by Rep. Kester; Senator Chlouber--Regulation Of Barbers & Cosmetologists

The President appointed Senators Chlouber, Chair, Sullivant, and Nichol as Senate Conferees on the First Conference Committee on HB00-1179.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Correctly enrolled: SB 00-127, 130.

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the committee recommends that SB00-201 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike line 5 and substitute the following:
"CONNECTED TO UTILITY SEWER OR WATER MAINS, AND EXCEPT THOSE INSURERS THAT RECEIVE FIVE HUNDRED THOUSAND DOLLARS OR LESS IN DIRECT WRITTEN HOMEOWNER’S INSURANCE PREMIUMS PER YEAR, SHALL MAKE AVAILABLE AS A”,

line 17, strike "DITCHES,”;

line 18, strike "CANALS,”.
State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1148

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1304

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1264

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1114

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1080

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1097

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1127

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that HB00-1391 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, strike lines 13 through 15 and substitute "COUNTY CLERK AND RECORDER FOR APPOINTMENT AS A STUDENT ELECTION".

Page 4, strike lines 15 through 18.

Page 6, line 8, strike "SHALL" and substitute "MAY".
State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be postponed indefinitely: HB00-1363

Trans-transportation

After consideration on the merits, the committee recommends that HB00-1024 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, line 3, strike "owner's" and substitute "operator's";

line 25, strike "owner's" and substitute "operator's".

Page 3, after line 17, insert the following:

"SECTION 3. 10-4-604.5 (1), Colorado Revised Statutes, is amended to read:

10-4-604.5. Issuance or renewal of insurance policies - proof of insurance provided by certificate, card, or other media - repeal. (1) In addition to any other requirement, if an insurer issues or renews a policy of insurance, the insurer shall provide the insured a proof of insurance certificate or insurance identification card to accompany the insured's registration application or renewal card or provide proof of insurance in such other media as is authorized by the department under section 42-3-105 (1) (c) or section 42-3-112 (3) (b), C.R.S. If the insured has an operator's policy of insurance under section 10-4-706.5, the insurer shall provide the insured such proof of insurance for each motor vehicle owned by the insured."

Renumber succeeding sections accordingly.

Trans-transportation

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1381

Trans-transportation

After consideration on the merits, the committee recommends that SB00-199 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 6, line 10, after "2000.", add "ADDITIONALLY, IF THE VOTERS OF THE STATE DO NOT APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 32-16-202, THE AUTHORITY SHALL NOT BE AUTHORIZED TO EXPEND ANY STATE MONEYS AFTER JANUARY 1, 2001.",

line 18, after "MONEYS;", add "EXCEPT THAT, IF THE VOTERS OF THE STATE DO NOT APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 32-16-202, THE AUTHORITY SHALL NOT BE AUTHORIZED TO EXPEND ANY STATE MONEYS AFTER JANUARY 1, 2001;"

Page 7, line 2, strike "CORRIDOR;" and substitute "CORRIDOR AND PERMISSIBLE UNDER THE STATE CONSTITUTION, AND IF SUCH USE HAS BEEN REVIEWED AND APPROVED BY BOTH THE DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION;".

Page 9, after line 8, insert the following:

"SECTION 8. Article 16 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-16-108.5. Prohibition on transportation of freight. No monorail system, monorail demonstration project, or portion thereof constructed pursuant to this article shall be used to transport freight or express-mail packages of any kind in
EXCHANGE FOR MONETARY COMPENSATION. THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE TRANSPORTATION OF LUGGAGE, RECREATIONAL OR SPORTING EQUIPMENT, OR OTHER PERSONAL PROPERTY BELONGING TO ANY PERSON BEING TRANSPORTED AS A PASSENGER ON ALL OR ANY PORTION OF A MONORAIL SYSTEM OR MONORAIL DEMONSTRATION PROJECT.”.

Renumber succeeding sections accordingly.

Page 10, strike lines 17 through 26.

Page 11, strike lines 1 through 5.

Reletter succeeding paragraphs accordingly.

Page 13, line 10, strike "THAT:" and substitute "THAT WILL DEMONSTRATE, IF SUCCESSFUL, THAT A MONORAIL SYSTEM WILL:";

line 11, strike "WILL COMBINE" and substitute "COMBINE";

strike lines 14 through 17.

Reletter succeeding sub-subparagraphs accordingly.

Page 14, strike lines 7 through 9.

Reletter succeeding sub-subparagraphs accordingly.

Page 15, line 10, strike "CONCLUSIVELY";

strike lines 10 through 12 and substitute the following:

"(B) WILL BE USED TO DEVELOP ESTIMATED COSTS OF OPERATING THE ENTIRE MONORAIL SYSTEM;".

Page 19, strike lines 19 through 25.

Renumber succeeding section accordingly.

Page 1, strike lines 112 through 114 and substitute the following:

"FUND THE PLAN, AND CREATING THE COLORADO MONORAIL FUND.".

Transportation

After consideration on the merits, the committee recommends that SB00-146 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 1, line 2, strike ", (1), (2), and (4) (a)," and substitute "(1) and (2),";

line 10, strike "AND REGISTER USED" and substitute "USE OF".

Page 2, line 3, strike "A VEHICLE WITH MULTIPLE REGISTRATIONS" and substitute "THE USE OF A VEHICLE BEARING SUCH ORIGINAL PLATES";

line 8, strike "1977;" and substitute "1943;";

line 11, strike "AND";

line 13, strike "MAKE" and substitute "YEAR OF MANUFACTURE";

line 14, strike "DEPARTMENT." and substitute "DEPARTMENT; AND";

after line 14, insert the following:

"(V) THE PLATES SHALL NOT EXCEED SEVEN CHARACTERS.";

strike lines 19 through 26.
Education

After consideration on the merits, the committee recommends that HB00-1222 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 8, after "SHORTAGE" insert "FOR A DURATION OF A PERIOD OF NO LONGER THAN ONE YEAR".

Page 6, line 13, strike "WHEN THE RETIREE'S EMPLOYMENT" and substitute "UPON THE RETIREE'S EMPLOYMENT.";

strike line 14.

Education

After consideration on the merits, the committee recommends that the following be postponed indefinitely: HB00-1181

Agriculture, Natural Resources and Energy

The Committee on Agriculture, Natural Resources and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be favorably referred to the Committee on Education:

STATE BOARD OF AGRICULTURE

for terms expiring January 17, 2004:

Ronald W. Pettigrew of Durango, Colorado, appointed.

Agriculture, Natural Resources and Energy

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1301

Agriculture, Natural Resources and Energy

After consideration on the merits, the committee recommends that HB00-1314 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, after line 11, insert the following:

"(4) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE REINTRODUCTION OF THE BLACK-FOOTED FERRET SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(a) EACH ANNUAL REPORT PREPARED PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL INCLUDE AN ASSESSMENT EVALUATING WHETHER THE REINTRODUCTION OF THE BLACK-FOOTED FERRET WILL IMPAIR ANY USE OF PRIVATE LAND OR BENEFICIAL USE OF WATER EXISTING AT THE TIME OF SUCH REINTRODUCTION. IF THE ASSESSMENT IN ANY ANNUAL REPORT CONCLUDES THAT ANY SUCH USE OF LAND WILL BE IMPAIRED BY REINTRODUCTION OF THE BLACK-FOOTED FERRET, THE ANNUAL REPORT SHALL ALSO DESCRIBE THE REASON FOR THE IMPACT AND POSSIBLE ACTIONS TO REDUCE SUCH IMPACT.

(b) ANY EFFORT TO REINTRODUCE THE BLACK-FOOTED FERRET IN ANY AREAS NOT INCLUDED IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, SHALL REQUIRE FURTHER LEGISLATIVE APPROVAL.

(c) THE STATE OF COLORADO SHALL ENSURE ENFORCEMENT OF THE PROVISIONS OF THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, UP TO AND INCLUDING LITIGATION.
IF THE MEMORANDUM OF UNDERSTANDING BETWEEN COLORADO AND ANY FEDERAL AGENCY IMPLEMENTING SUCH PLAN IS VIOLATED.


(e) NOTHING IN THE BLACK-FOOTED FERRET COOPERATIVE MANAGEMENT PLAN DATED JUNE, 1995, SHALL AFFECT CURRENT PRAIRIE DOG MANAGEMENT EFFORTS ON PRIVATE LANDS."

Agriculture, After consideration on the merits, the committee recommends that HB00-1212 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, strike line 3 and substitute the following:

"SECTION 2. 35-57-117 (1) and (2), Colorado Revised Statutes, are;

strike line 6 and substitute the following:

"custody and disbursement. (1) (a) In order for the board to carry out the provisions and intent of this article, the state board of stock inspection commissioners, by and through the brand commissioner, shall collect a beef board fee on cattle and calves THAT ARE SOLD for which a brand inspection fee is also collected as provided in section 35-41-104 (5). Commencing July 1, 1993, the fee shall not exceed one dollar per head or the amount assessed pursuant to the beef promotion and research order, 7 C.F.R. sec. 1260.172, as amended, whichever is greater.

(b) THE FEE SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL ALSO BE COLLECTED FROM ANY PRODUCER MARKETING CATTLE OF THAT PRODUCER’S OWN PRODUCTION IN THE FORM OF BEEF OR BEEF PRODUCTS TO CONSUMERS, EITHER DIRECTLY OR THROUGH RETAIL OR WHOLESALE OUTLETS, OR FOR EXPORT PURPOSES, AND SUCH PRODUCER SHALL REMIT TO THE BRAND COMMISSIONER THE SET FEE PER HEAD OF CATTLE OR THE EQUIVALENT THEREOF.

(c) THE FEE ASSESSED ON EACH HEAD OF CATTLE SOLD PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL NOT APPLY TO CATTLE OWNED BY A PERSON IF SUCH PERSON:

(I) CERTIFIES THAT THE PERSON’S ONLY SHARE IN THE PROCEEDS OF A SALE OF CATTLE, BEEF, OR BEEF PRODUCT IS A SALES COMMISSION, HANDLING FEE, OR OTHER SERVICE FEE;

(II) CERTIFIES THAT THE PERSON ACQUIRED OWNERSHIP OF THE CATTLE TO FACILITATE THE TRANSFER OF OWNERSHIP OF SUCH CATTLE FROM THE SELLER TO A THIRD PARTY;

(III) ESTABLISHES THAT SUCH CATTLE WERE RESOLD NOT LATER THAN TEN DAYS AFTER THE DATE ON WHICH THE PERSON ACQUIRED OWNERSHIP.

(2) (a) The additional fee is a contribution".

Agriculture, Natural Resources and Energy After consideration on the merits, the committee recommends that the following be postponed indefinitely: HB00-1332
After consideration on the merits, the committee recommends that the following be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, strike lines 19 and 20 and substitute the following:

"REQUIRES, "KNOWINGLY AND WILLFULLY" MEANS THAT WITH RESPECT TO INFORMATION";

line 22, strike "(I)" and substitute "(a)";

line 23, strike "(II)" and substitute "(b)";

strike lines 25 and 26.

Page 5, strike lines 10 and 11 and substitute the following:

"(b) A CIVIL PENALTY OF TWO TIMES THE AMOUNT";

line 21, strike "TWO TIMES".

Page 7, strike lines 1 and 2 and substitute the following:


Amend the committee amendment, as printed in Senate Journal, February 8, page 244, line 41, strike "STATE." and substitute "STATE; EXCEPT THAT SUCH SEARCH AND RETRIEVAL AND PER-PAGE FEES NEED NOT APPLY EQUALLY IN CASES OF PATIENT HARDSHIP, MEDICAL RESEARCH, AND CONTINUING CARE.";

after line 68, insert the following:

"(V) IN ADDITION TO THE FEES SET BY THIS PARAGRAPH (e), A CUSTODIAN OF PATIENT RECORDS MAY RECOVER ACTUAL POSTAGE OR SHIPPING FEES AND SALES TAX, IF APPLICABLE. THE LIMITATION ON FEES DESCRIBED IN THIS PARAGRAPH (e) SHALL NOT APPLY TO COPIES OF X RAYS, IMAGING, OR OTHER RECORDS THAT CANNOT BE REPRODUCED WITHOUT SPECIAL EQUIPMENT, AS TO WHICH THE CUSTODIAN MAY RECOVER THE ACTUAL COSTS OF REPRODUCTION.";

strike lines 71 through 72 and substitute the following:

“(1), FEES CHARGED FOR PATIENT RECORDS REQUESTED BY A PROSECUTING ATTORNEY, AS DEFINED IN SECTION 16-1-104 (15), C.R.S., SHALL BE SUBJECT TO MUTUAL AGREEMENT BETWEEN THE PATIENT RECORD CUSTODIAN AND THE PROSECUTING ATTORNEY.”.

Page 245, strike lines 1 through 7;

line 10, strike "COPY and substitute "OBTAIN A COPY OF";

line 12, after "OTHER" insert "STATUTORY";

line 15, strike "COPY" and substitute "OBTAIN A COPY OF";
strike line 26 and substitute "THE PARTY PRODUCING THE COPY";

line 27, strike "NOT BE UNREASONABLY WITHHELD, SUCH PARTY";

line 37, strike "IF THE PARTY PRODUCING THE COPY AGREES, WHICH AGREEMENT" and substitute "THE PARTY PRODUCING THE COPY";

line 38, strike "SHALL NOT BE UNREASONABLY WITHHELD, SUCH PARTY";

line 47, after "RECORD" insert "ORIGINATED BY THE PARTY PRODUCING THE PATIENT RECORD";

line 49, strike "IF THE" and substitute "THE";

line 50, strike "AGREES, WHICH AGREEMENT SHALL NOT BE";

line 51, strike "UNREASONABLY WITHHELD, SUCH PARTY";

line 56, strike "AT NO EXTRA CHARGE," and substitute "WITH NO ADDITIONAL SEARCH AND RETRIEVAL FEE.".

Page 246, line 32, strike "STATE." and substitute "STATE; EXCEPT THAT SUCH SEARCH AND RETRIEVAL AND PER-PAGE FEES NEED NOT APPLY EQUALLY IN CASES OF PATIENT HARDSHIP, MEDICAL RESEARCH, AND CONTINUING CARE."

after line 59, insert the following:

"(V) IN ADDITION TO THE FEES SET BY THIS PARAGRAPH (c), A CUSTODIAN OF PATIENT RECORDS MAY RECOVER ACTUAL POSTAGE OR SHIPPING FEES AND SALES TAX, IF APPLICABLE. THE LIMITATION ON FEES DESCRIBED IN THIS PARAGRAPH (c) SHALL NOT APPLY TO COPIES OF X RAYS, IMAGING, OR OTHER RECORDS THAT CANNOT BE REPRODUCED WITHOUT SPECIAL EQUIPMENT, AS TO WHICH THE CUSTODIAN MAY RECOVER THE ACTUAL COSTS OF REPRODUCTION.";

strike lines 62 through 70 and substitute the following:

"SUBSECTION (1), FEES CHARGED FOR PATIENT RECORDS REQUESTED BY A PROSECUTING ATTORNEY, AS DEFINED IN SECTION 16-1-104 (15), C.R.S., SHALL BE SUBJECT TO MUTUAL AGREEMENT BETWEEN THE PATIENT RECORD CUSTODIAN AND THE PROSECUTING ATTORNEY.".

Page 247, line 1, strike "COPY" and substitute "OBTAIN A COPY OF";

line 3, after "OTHER" insert "STATUTORY";

line 6, strike "COPY" and substitute "OBTAIN A COPY OF";

strike lines 17 and 18 and substitute the following:

"PRODUCING THE COPY. THE PARTY PRODUCING THE COPY";

line 19, strike "PARTY";

line 29, strike "IF THE PARTY PRODUCING THE COPY AGREES, WHICH AGREEMENT" and substitute "THE PARTY PRODUCING THE COPY";

line 30, strike "SHALL NOT BE UNREASONABLY WITHHELD, SUCH PARTY";

line 39, after "RECORD" insert "ORIGINATED BY THE PARTY PRODUCING THE PATIENT RECORD";

line 41, strike "IF THE" and substitute "THE";

line 42, strike "AGREES, WHICH AGREEMENT SHALL NOT BE";

line 43, strike "UNREASONABLY WITHHELD, SUCH PARTY";

line 48, strike "AT NO EXTRA CHARGE," and substitute "WITH NO ADDITIONAL SEARCH AND RETRIEVAL FEE.".
Appropriations

After consideration on the merits, the committee recommends that SB 00-119 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 6, line 19, strike "tape" and substitute "files" and strike "bureau," and substitute "bureau conforming with section 2-2-901, C.R.S.".

Page 10, line 5, after "council," insert "for the fiscal year beginning July 1, 2000,;"

strike lines 8 through 10 and substitute the following:

"act. Expenditures made pursuant to this appropriation shall be subject to the provisions of section 8 (2) of this act.";

line 11, strike "Appropriation." and substitute "Appropriation - adjustment to legislative appropriation. (1)";

line 14, after "commission," insert "for the fiscal year beginning July 1, 2000;";

line 17, strike "section" and substitute "subsection (1)" and on the same line strike "law" and substitute "law."

strike line 18 and substitute the following:

"(2) (a) For the implementation of subsection (1) of this section, appropriations made in HB00-1352 to the legislative department for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(I) The general fund appropriation for the legislative council is decreased by forty-six thousand six hundred sixty-seven dollars ($46,667) and the number of FTE is decreased by .7 FTE; and

(II) The general fund appropriation for the committee on legal services is decreased by eleven thousand six hundred sixty-seven dollars ($11,667) and the number of FTE is decreased by .2 FTE.

(b) The adjustment made in this subsection (2) to the appropriations for the legislative council and the committee on legal services shall only be made if SCR00-002 becomes law.";

Appropriations

After consideration on the merits, the committee recommends that HB00-1416 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 12, line 13, in the ITEM & SUBTOTAL column, strike "$926,886" and substitute "$1,079,626".
Page 13, line 3, in the CASH FUNDS EXEMPT column, strike "100,000" and substitute "100,000";

line 4, in the ITEM & SUBTOTAL column, strike "1,431,886" and substitute "1,584,626", in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "1,331,886" and substitute "1,444,626", and, in the CASH FUNDS EXEMPT column, insert "140,000";

line 6, strike "This amount shall be from the State Historic Fund.", and substitute, "This amount shall be from the State Historic Fund. OF THIS AMOUNT, $100,000 SHALL BE FROM THE STATE HISTORIC FUND, AND $40,000 SHALL BE FROM DONATIONS TO THE COLORADO HISTORICAL SOCIETY.";

line 9, in the TOTAL column, strike "1,574,449" and substitute "1,727,189";

line 12, in the CASH FUNDS EXEMPT column, strike "$113,055,052" and substitute "$113,055,052";

line 13, in the TOTAL column, strike "$301,106,667" and substitute "$301,259,047", in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "$167,166,753" and substitute "$167,279,493", and, in the CASH FUNDS EXEMPT column, insert "$113,095,052".

Page 14, line 2, in the CASH FUNDS EXEMPT column, strike "$160,793,689" and substitute "$160,793,689";

line 3, in the TOTAL column, strike "$621,325,433", and substitute "$621,478,173", in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "$404,361,593", and substitute "$404,474,333", and, in the CASH FUNDS EXEMPT column, insert "$160,833,689".

MESSAGE FROM THE HOUSE

March 10, 2000

Mr. President:

The House has adopted and returns herewith SJR00-007.

The House has voted to concur in the Senate amendments to HB00-1172, and has repassed the bill as so amended.

The House has voted not to concur in the Senate amendments to HB00-1286 and requests that a conference committee be appointed. The Speaker has appointed Representatives Webster, chairman, Hoppe, and Miller as House conferees on the First Conference Committee on HB00-1286. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

SIGNING OF BILLS

The President has signed: SB00-127, 130.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1028, 1036, 1038, 1046, 1058, 1077, 1088, 1091, 1137, 1190, 1191, 1211, 1218, 1266, 1292, 1307, 1325; HJR00-1013.

SENATE SERVICES REPORT

Correctly engrossed: SB 00-021, 135; SJR 00-077.

Correctly revised: HB 00-1139, 1164, 1267, 1268, 1297, 1315.
MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23(c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill 00-1159, Concerning the Financing of Public Schools and Making an Appropriation in Connection Therewith:

The Friday, March 10 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994" article 54 of title 22, Colorado Revised Statutes, is extended until Friday, March 24th, 2000 (the 80th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23(c.)

(Signed)
Representative George Senator Powers
Speaker of the House President of the Senate
Representative Dean Senator Blickensderfer
House Majority Leader Senate Majority Leader
Representative Gordon Senator Feeley
House Minority Leader Senate Minority Leader

On motion of Senator Blickensderfer, the Senate adjourned until 10:00 a.m., Monday, March 13, 2000.

Approved:
Ray Powers
President of the Senate

Attest:
Patricia K. Dicks
Secretary of the Senate