
49th Legislative Day
Tuesday, February 22, 2000

MESSAGE FROM THE HOUSE:

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1080, amended as printed in House Journal, February 15, page 507.
HB00-1159, amended as printed in House Journal, February 18, page 599-600.
HB00-1181, amended as printed in House Journal, February 1, page 269.
HB00-1185, amended as printed in House Journal, February 18, page 600-602.
HB00-1186, amended as printed in House Journal, January 31, page 266-267.
HB00-1222, amended as printed in House Journal, February 15, page 505-507.
HB00-1223, amended as printed in House Journal, February 18, page 591-596.
HB00-1368, amended as printed in House Journal, February 18, page 602-603.

February 21, 2000

We herewith transmit:

Committee of the Whole On motion of Senator Musgrave, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Musgrave 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:

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, all Senate bills were advanced on the General Orders calendar.

SB 00-024 by Sen. Nichol; Rep. Morrison--Juveniles And Misdemeanor Sex Offenses

Amendment No. 1, Judiciary Committee Amendment
(Printed in Senate Journal, February 10, pages 262-263.)

Amendment No. 2, by Senator Nichol

Amend the Judiciary Committee amendment, as printed in Senate Journal, February 10, page 262, line 72, strike "AND";

page 263, line 1, strike "SUMMONS".

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

SB 00-176 by Sen. Blickensderfer; Rep. Kester--CO Ed & Cul Fac Auth Act Entities Elig

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

SB 00-143 by Sen. Matsunaka--Medicare Eligible Pharmaceutical Assist

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, February 11, page 288.)

Amendment No. 2, by Senator Musgrave

Amend printed bill, page 2, line 11, strike "A" and substitute "AN ELECTRONIC";

line 12, strike "PHARMACY," and substitute "PHARMACY ON A DAILY BASIS,".

Amendment No. 3, by Senator Musgrave

Amend printed bill, page 2, line 7, after the period add: "FOR THE PURPOSES OF THIS SUBSECTION (4), "PROVIDERS" INCLUDES PROVIDERS THAT ARE MAIL ORDER OR INTERNET VENDORS.".

Amendment No. 4, by Senator Matsunaka

Amend printed bill, page 2, line 5, strike "CHARGED TO RECIPIENTS UNDER THIS ARTICLE" and substitute "paid to pharmacies to provide prescription medications to medicaid recipients";

after line 7, insert the following:

"(b) (I) IN ORDER FOR PAYMENT TO BE MADE AVAILABLE UNDER PARAGRAPH (a) OF THIS SUBSECTION (4) FOR OUTPATIENT PRESCRIPTION MEDICATIONS PRODUCED BY A SPECIFIC MANUFACTURER, THE

MANUFACTURER SHALL HAVE ENTERED INTO AND HAVE IN EFFECT A REBATE AGREEMENT WITH THE STATE DEPARTMENT. THE AGREEMENT SHALL BE MODELED AFTER SEC. 1927 OF TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT" AS ADDED BY THE "SOCIAL SECURITY AMENDMENTS OF 1965" OR AS LATER AMENDED OR SUPERSEDED, AND SHALL REQUIRE THE MANUFACTURER TO SUBMIT REBATE PAYMENTS TO THE STATE DEPARTMENT QUARTERLY. THE STATE DEPARTMENT SHALL REMIT ALL SUCH REBATE PAYMENTS TO THE GENERAL FUND ANNUALLY.

(II) WHEN THE PRICE PAID BY PATIENTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) IS LOWER THAN THE PHARMACY'S USUAL AND CUSTOMARY CHARGE, THE STATE DEPARTMENT SHALL PROVIDE PHARMACISTS WITH A REFUND PAYMENT. THE REFUND PAYMENT SHALL BE AN AMOUNT THAT IS EQUAL TO THE REBATE AMOUNT PURSUANT TO THE REBATE AGREEMENT ENTERED INTO UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), MULTIPLIED BY THE TOTAL NUMBER OF DOSAGE UNITS DISPENSED FOR THAT PRESCRIPTION. THE PHARMACY SHALL BE REIMBURSED BY THE STATE DEPARTMENT FOR THE TOTAL OF THESE REBATES ON A *QUARTERLY BASIS*. THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE ALL REBATE PAYMENTS ANNUALLY."

Reletter succeeding paragraphs accordingly.

Page 2, line 15, strike "PARTICIPATION" and substitute "AND MANUFACTURER PARTICIPATION".

As amended, referred to the Committee on Appropriations.

Senate in recess.

Senate reconvened.

GENERAL ORDERS - SECOND READING OF BILLS - CONTINUED

SB 00-009 by Sen. Owen; Rep. Larson--Conduct Of Administrative Law Judges

Amendment No. 1, Appropriations Committee Amendment
(Printed in Senate Journal, February 14, page 291.)

Amendment No. 2, by Senator Owen

Amend printed bill, page 1, strike lines 105 and 106 and substitute the following:

"CODE OF JUDICIAL CONDUCT."

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

SB 00-065 by Sen. Owen; Rep. Saliman--Refinancing TANF

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, February 4, page 220.)

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

SB 00-094 by Sen. Epps; Rep. Morrison--Continuing Education For Pharmacists

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, January 28, page 177.)

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

SB 00-088 by Sen. Epps; Rep. Alexander--Colo Medicaid Program

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, February 14, pages 291-295.)

Amendment No. 2, by Senator Epps

Amend the Health, Environment, Welfare, and Institutions committee report, as printed in Senate Journal, dated February 14, 2000, page 294, strike lines 36 through 41, and substitute the following:

"equitable manner. THE GENERAL ASSEMBLY ALSO DECLARES THAT IN ORDER TO ENSURE THAT MEDICAID IS AVAILABLE FOR LOW-INCOME INDIVIDUALS REASONABLE RESTRICTIONS CONSISTENT WITH FEDERAL LAW SHOULD BE PLACED ON THE ABILITY OF PERSONS TO BECOME ELIGIBLE FOR MEDICAID BY MEANS OF MAKING TRANSFERS OF PROPERTY WITHOUT FAIR AND VALUABLE CONSIDERATION."

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

SB 00-145 by Sen. Reeves; Rep. Kaufman--Support Obligations

Amendment No. 1, Health, Environment, Welfare and Institutions Amendment
(Printed in Senate Journal, February 14, pages 295-299.)

Amendment No. 2, by Senator Reeves

Amend printed bill, page 12, line 24, strike "On or" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), on ~~or~~ AND".

Page 13, after line 7, insert the following:

"(b) IF FEDERAL LAW IS CHANGED TO PROHIBIT THE COLLECTION OF SOCIAL SECURITY NUMBERS ON DRIVER'S LICENSE APPLICATIONS, THE DEPARTMENT SHALL AUTOMATICALLY STOP ITS PRACTICE OF INCLUDING APPLICANTS' SOCIAL SECURITY NUMBERS ON APPLICATIONS FOR DRIVER'S MINOR DRIVER'S, AND PROVISIONAL DRIVER'S LICENSES AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3)."

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

SB 00-096 by Sen. Anderson; Rep. McPherson--Vested Property Rights
(Amended in General Orders as printed in Senate Journal, January 28, page 172.)

Amendment No. 1, by Senator Anderson

Amend printed bill, page 4, line 12, strike "CONSIDERATION" and substitute "CONSIDERATION, OTHER THAN A STANDARD APPLICATION FEE,";

line 20, strike "~~following notice and public hearing,~~" and substitute "following notice and public hearing,";

line 25, after "ONLY", insert "BY A SPECIFIC AND FORMAL DECLARATION THAT VESTING SHALL OCCUR,".

Page 5, strike line 3 and substitute the following:

"WITHOUT ANY ACTION OTHER THAN THE APPROVAL OF THE PLAN ITSELF.".

Amendment No. 2, by Senators Chlouber and Wattenberg

Amend printed bill, page 6, line 10, strike the period and substitute "in any county or city and county with more than fifty thousand inhabitants, as determined by the most recently available federal census data, and any statutory or home rule city or town within such a county."

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. (For further action, see Roll Call Vote on page 379.)

SB 00-160 by Sen. Evans; Rep. Clapp--Local Control Over Hiring Administrators

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

SB 00-178 by Sen. Teck--Teacher Employment

Amendment No. 1, Education Committee Amendment
(Printed in Senate Journal, February 14, pages 305-308.)

Amendment No. 2, by Senator Teck

Amend printed bill, page 10, after line 11, insert the following:

"**SECTION 2.** Part 2 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-106. Complaint resolution process - communications committee - procedure. (1) EACH SCHOOL DISTRICT SHALL ADOPT A COMMUNICATIONS POLICY BY WHICH THE SCHOOL DISTRICT SUPERINTENDENT MAY APPOINT A COMMUNICATIONS COMMITTEE TO HEAR AND, IF POSSIBLE, RESOLVE ISSUES ARISING BETWEEN PARENTS AND TEACHERS. EACH SCHOOL DISTRICT SHALL IMPLEMENT THE COMMUNICATIONS POLICY BEGINNING FALL SEMESTER 2000, AND SHALL INCLUDE THE COMMUNICATIONS POLICY IN THE STUDENT HANDBOOK.

(2) AT A MINIMUM, THE COMMUNICATIONS POLICY SHALL:

(a) ALLOW ANY PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL OF THE SCHOOL DISTRICT WHO HAS AN ISSUE WITH ONE OF THE STUDENT'S TEACHERS AND WHO HAS EXHAUSTED ANY INFORMAL COMPLAINT OR CONFLICT RESOLUTION PROCESS EXISTING AT THE SCHOOL OR IN SCHOOL DISTRICT POLICY TO REQUEST THAT THE SUPERINTENDENT OF THE SCHOOL DISTRICT APPOINT A COMMUNICATIONS COMMITTEE TO CONSIDER THE ISSUE AND RECOMMEND A RESOLUTION;

(b) ALLOW THE SUPERINTENDENT TO DETERMINE WHETHER TO APPOINT A COMMUNICATIONS COMMITTEE, CONSISTING OF A PRINCIPAL AND A TEACHER FROM A PUBLIC SCHOOL OTHER THAN THE SCHOOL IN WHICH THE STUDENT IS ENROLLED AND THREE PARENTS, OR ASK THE SCHOOL BUILDING ACCOUNTABILITY COMMITTEE OF ANOTHER PUBLIC SCHOOL OF THE SCHOOL DISTRICT TO ACT AS THE COMMUNICATIONS COMMITTEE;

(c) INSTRUCT THE COMMUNICATIONS COMMITTEE TO MEET WITH THE PARENT AND THE TEACHER, TO HEAR BOTH SIDES OF THE ISSUE, AND TO RECOMMEND AN INFORMAL RESOLUTION OF THE ISSUE, IF POSSIBLE, OR TO SUBMIT TO THE SCHOOL DISTRICT SUPERINTENDENT A FORMAL WRITTEN RECOMMENDATION FOR ACTION TO RESOLVE THE ISSUE;

(d) REQUIRE THE COMMUNICATIONS COMMITTEE, WITHIN THIRTY DAYS AFTER BEING APPOINTED OR REQUESTED TO ACT BY THE SCHOOL DISTRICT SUPERINTENDENT, TO SUBMIT TO THE SUPERINTENDENT A WRITTEN REPORT OF ITS ACTIONS, INCLUDING ANY FORMAL WRITTEN RECOMMENDATIONS FOR ACTION.

(3) THE RECOMMENDATIONS OF THE COMMUNICATIONS COMMITTEE SHALL BE SUBJECT TO AND SHALL NOT OVERRIDE ANY STATE STATUTE OR RULE AND ANY OTHER SCHOOL DISTRICT POLICY.

(4) THE SCHOOL DISTRICT, AS PART OF THE REPORT SUBMITTED PURSUANT TO SECTION 22-7-205, SHALL SPECIFY THE NUMBER OF TIMES DURING THE SCHOOL YEAR THAT A PARENT REQUESTED APPOINTMENT OF A COMMUNICATIONS COMMITTEE AND THE RESOLUTION ACHIEVED OR RECOMMENDED BY EACH COMMUNICATIONS COMMITTEE."

Renumber succeeding section accordingly.

Amendment No. 3, by Senator Matsunaka

Amend the committee amendment, as printed in Senate Journal, February 14, page 307, line 25, strike "DEPARTMENT." and substitute "DEPARTMENT, AND THE DEPARTMENT SHALL REMOVE THE NOTICE OF REMEDIATION FROM ITS RECORDS."

As amended, referred to the Committee on Appropriations.

SB 00-191 by Sen. Anderson; Rep. George--Compact On Adult Offenders

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

SB 00-189 by Sen. Dennis; Rep. Spence--Disclosure To Grand Jury Witnesses

Amendment No. 1, Judiciary Committee Amendment
(Printed in Senate Journal, February 16, pages 329-330.)

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

SB 00-182 by Sen. Andrews; Rep. Spence--Appoint RTD Board Members

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, February 18, pages 358-362.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. (For further action, see Roll Call vote on page 379.)

SB 00-068 by Sen. Chlouber; Rep. Tool--Work Comp Burial Expense Increase

Amendment No. 1, by Senator Chlouber

Amend printed bill, page 2, line 10, strike "said" and substitute "February 1, 2000.";

strike line 11.

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

SB 00-071 by Sen. Anderson; Rep. Morrison--Use Of Tobacco Moneys

Laid over until Wednesday, February 23, retaining its place on the calendar.

Senator Blickensderfer moved that the Committee of the Whole rise, report progress and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

ROLL CALL VOTE ON SB00-096

SB 00-096 by Sen. Anderson; Rep. McPherson--Vested Property Rights

Call of Senate.
Call Raised.

On request of Senator Sullivant, the President ordered a roll call vote on SB00-096.

YES18		NO17		EXCUSED0		ABSENT0	
Anderson	Y	Evans	N	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	N	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivant	N		

ROLL CALL VOTE ON SB00-182

SB 00-182 by Sen. Andrews; Rep. Spence--Appoint RTD Board Members

Call of Senate.
Call Raised.

On motion of Senator Pascoe, the President ordered a roll call vote on SB00-182

YES20		NO15		EXCUSED0		ABSENT0	
Anderson	N	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivant	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Musgrave, 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:

SB00-176, SB00-160, SB00-191 declared passed on Second Reading.
SB00-024, as amended; SB00-009, as amended; SB00-065, as amended; SB00-094, as amended; SB00-088, as amended; SB00-145, as amended; SB00-096, as amended; SB00-189, as amended; SB00-182, as amended; SB00-068, as amended, declared passed on Second Reading.
SB00-143, as amended; SB00-178, as amended, referred to the Committee on Appropriations.
SB00-071 laid over until Wednesday, February 23, retaining its place on the calendar.

THIRD READING OF BILL--FINAL PASSAGE

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

SB 00-172 by Sen. Evans; Rep. Kaufman--Title Setting Procedures
Re-referred to the Committee on State, Veterans, and Military Affairs.

Committee of the Whole On motion of Senator Musgrave, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Musgrave 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:

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, HB00-1396, HB00-1397, HB00-1398, HB00-1399, HB00-1400, HB00-1401, HB00-1402, HB00-1403, HB00-1404, HB00-1405, HB00-1406, HB00-1407, HB00-1408, HB00-1409, HB00-1410, HB00-1411, HB00-1412, HB00-1413, HB00-1414, HB00-1415 were advanced on the General Orders calendar.

HB 00-1396 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Agriculture
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1397 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Corrections
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1398 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Education
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1399 by Rep. Tool; Senator Lacy--Suppl Approp Gov, Lt. Gov, & OSPB
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1400 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Health Policy & Fin
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1401 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Higher Ed
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1402 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Human Services
Amendment No. 1, Appropriations Committee Amendment
(Printed in Senate Journal, February 18, page 362.)
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB	00-1403	by Rep. Tool; Senator Lacy--Suppl Approp Judicial Department	1
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	2
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HB	00-1404	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Labor & Employment	7
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	8
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HB	00-1405	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Law	13
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	14
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HB	00-1406	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Military Affairs	19
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	20
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HB	00-1407	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Natural Resources	25
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	26
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HB	00-1408	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Personnel	31
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	32
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HB	00-1409	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Pub Health & Envir	37
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	38
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HB	00-1410	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Public Safety	43
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	44
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HB	00-1411	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Reg Agencies	49
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	50
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HB	00-1412	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Revenue	55
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	56
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HB	00-1413	by Rep. Tool; Senator Lacy--Suppl Approp Dept Of State	61
		<u>Amendment No. 1, Appropriations Committee Amendment</u>	62
		(Printed in Senate Journal, February 18, page 363.)	63
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		As amended, ordered revised and placed on the calendar for Third Reading and Final	66
		Passage.	67
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HB 00-1414 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Transportation

Amendment No. 1, Appropriations Committee Amendment
 (Printed in Senate Journal, February 18, page 363.)

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

HB 00-1415 by Rep. Tool; Senator Lacy--Suppl Approp Treasury Dept

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

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB 00-1398 by Rep. Tool; Senator Lacy--Suppl Approp Dept Of Education

Senator Thiebaut moved to amend the Report of the Committee of the Whole to show that the following Thiebaut floor amendment, made to HB00-1398, did pass:

Amend reengrossed bill, page 6, after line 4, insert the following:

	ITEM & SUBTOTAL \$	GENERAL FUND \$	CASH FUNDS EXEMPT \$
"READ-TO-ACHIEVE CASH FUND	9,435,793	9,435,793	
READ-TO-ACHIEVE GRANT PROGRAM	<u>9,435,793</u>		9,435,793 ^c ;

line 5, in the TOTAL column, strike "20,177,910" and substitute "20,177,910";

after line 5, in the TOTAL column, insert "39,049,496";

after line 8, insert the following:

^c THIS AMOUNT SHALL BE FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-506, COLORADO REVISED STATUTES.";

line 11, in the ITEM & SUBTOTAL column, strike "1,941,784,338" and substitute "1,941,784,338" and, in the GENERAL FUND column, strike "1,889,151,837" and substitute "1,889,151,837";

after line 11, in the ITEM & SUBTOTAL COLUMN, insert "1,932,348,545" and, in the GENERAL FUND column, insert "1,879,716,044".

Page 7, line 15, in the TOTAL column, strike "2,130,958,653" and substitute "2,121,522,860".

Page 11, line 3, in the TOTAL column, strike "\$2,347,123,275" and substitute "\$2,356,559,068" and, in the CASH FUNDS EXEMPT column, strike "\$57,435,681^a" and substitute "\$66,871,474^a".

Page 16, before line 1, insert the following:

"SECTION 2. Effective date. This act shall take effect upon passage; except that the two line item appropriations made in subsection (2) of section 1 related to the Read-to-Achieve Grant Program and the adjustment to the Public School Finance, Total Program line item appropriation in subsection (3) of section 1 shall only take effect if the sections of Senate Bill 00-124 that create the Read-to-Achieve Grant Program are enacted as a part of said Senate Bill 00-124 at the Second

Regular Session of the Sixty-second General Assembly and become law.".

Renumber succeeding section accordingly.

The motion was declared LOST by the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	N
Andrews	E	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	N	Perlmutter	Y	Wattenberg	N
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	Y	Sullivant	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Musgrave, 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:

HB00-1396, HB00-1397, HB00-1398, HB00-1399, HB00-1400, HB00-1401, HB00-1403, HB00-1404, HB00-1405, HB00-1406, HB00-1407, HB00-1408, HB00-1409, HB00-1410, HB00-1411, HB00-1412, HB00-1415 declared passed on Second Reading
HB00-1402, as amended; HB00-1413, as amended; HB00-1414, as amended, declared passed on Second Reading.

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 Tuesday, February 22, was laid over until Wednesday, February 23, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SB 00-009, 024, 065, 068, 088, 094, 096, 145, 160, 176, 182, 189, 191.

Correctly Revised: HB 00-1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415.

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1137

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1089

Page 384	Senate Journal-49th Day-February 22, 2000	
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1175</u>	1 2 3 4 5 6
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1011</u>	7 8 9 10
Business Affairs and Labor	After consideration on the merits, the committee recommends that <u>HB00-1149</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation: Amend reengrossed bill, page 1, line 2, strike "(3) (c) (I) and (3) (c) (II)," and substitute "(3) (c),"; line 3, strike "are" and substitute "is". Page 2, after line 6, insert the following: "(III) Income verification for a basic personal injury protection policy shall be through written evidence from the person seeking to qualify for a policy issued pursuant to this subsection (3) of the annual gross income of such person and such person's resident spouse for the most recent tax year available. Such evidence shall be contained in a document acceptable to the policy provider. For persons qualified pursuant to this paragraph (c), further verification of annual gross income shall be required in the same manner every third year following the date upon which the policy is issued. "	11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>HB00-1086</u>	34 35 36 37 38
Judiciary	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1243</u>	39 40 41 42 43
Judiciary	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>HB00-1241</u>	44 45 46 47 48
Judiciary	After consideration on the merits, the committee recommends that <u>SB00-154</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation: Amend printed bill, page 1, line 9, strike "FROM A PLACE OF ORIGIN" and substitute "INTO OR THROUGH DIFFERENT MUNICIPAL, COUNTY, OR CITY AND COUNTY JURISDICTIONS EN ROUTE TO THE PERSON'S DESTINATION; or"; strike lines 10 and 11. Page 2, strike line 1 and substitute the following: "SECTION 2. 18-12-105.5 (3) (c), Colorado Revised Statutes, is amended to read: 18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds. (3) It shall not be an offense under this section if: (c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling INTO OR THROUGH DIFFERENT MUNICIPAL, COUNTY, OR CITY AND COUNTY JURISDICTIONS EN ROUTE TO THE PERSON'S DESTINATION; or	49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

SECTION 3. Article 12 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-12-105.6. Limitation on local ordinances regarding firearms in private vehicles. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) A PERSON CARRYING A WEAPON IN A PRIVATE AUTOMOBILE OR OTHER PRIVATE MEANS OF CONVEYANCE FOR LAWFUL PROTECTION OF SUCH PERSON'S OR ANOTHER'S PERSON OR PROPERTY, AS PERMITTED IN SECTIONS 18-12-105 (2) (b) AND 18-12-105.5 (3) (c), MAY TEND TO TRAVEL IN OR THROUGH DIFFERENT COUNTY, CITY AND COUNTY, AND MUNICIPAL JURISDICTIONS EN ROUTE TO THE PERSON'S DESTINATION;

(b) INCONSISTENT LAWS EXIST IN LOCAL JURISDICTIONS WITH REGARD TO THE CIRCUMSTANCES UNDER WHICH WEAPONS MAY BE CARRIED IN AUTOMOBILES AND OTHER PRIVATE MEANS OF CONVEYANCE;

(c) THIS INCONSISTENCY CREATES A CONFUSING PATCHWORK OF LAWS THAT UNFAIRLY SUBJECTS A PERSON WHO LAWFULLY TRAVELS WITH A WEAPON IN OR THROUGH ONE JURISDICTION TO CRIMINAL PENALTIES BECAUSE HE OR SHE TRAVELS INTO OR THROUGH ANOTHER JURISDICTION;

(d) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF NOT KNOWING WHEN THEY MAY BE VIOLATING LOCAL LAWS WHILE TRAVELING IN, THROUGH, OR BETWEEN DIFFERENT JURISDICTIONS, AND THEREFORE BEING UNABLE TO AVOID COMMITTING A CRIME.

(2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE GENERAL ASSEMBLY CONCLUDES THAT THE CARRYING OF WEAPONS IN PRIVATE AUTOMOBILES OR OTHER PRIVATE MEANS OF CONVEYANCE FOR LAWFUL PROTECTION OF A PERSON'S OR ANOTHER'S PERSON OR PROPERTY WHILE TRAVELING AS PERMITTED IN SECTIONS 18-12-105 (2) (b) AND 18-12-105.5 (3) (c), IS A MATTER OF STATEWIDE CONCERN."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the committee recommends that HB00-1201 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 5, after line 1, insert the following:

"SECTION 5. 16-4-101 (1) (b) (III), (1) (c), and (5), Colorado Revised Statutes, are amended, and the said 16-4-101 (1) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

16-4-101. Bailable offenses. (1) All persons shall be bailable by sufficient sureties except:

(b) When, after a hearing held within ninety-six hours of arrest and upon reasonable notice, the court finds that the proof is evident or the presumption is great as to the crime alleged to have been committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases:

(III) A crime of violence alleged to have been committed after two previous felony convictions, or one such previous felony conviction if such conviction was for a crime of violence, upon charges separately brought and tried under the laws of this state or under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States which, if committed in this state, would be a felony;
or

(IV) A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER ALLEGED TO HAVE BEEN COMMITTED IN VIOLATION OF SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S.; OR

(c) When a person has been convicted of a crime of violence OR A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS

DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S., at the trial court level and such person is appealing such conviction or awaiting sentencing for such conviction and the court finds that the public would be placed in significant peril if the convicted person were released on bail.

(5) When a person is arrested for a crime of violence, as defined in section 16-1-104 (8.5), or a criminal offense alleging the use or possession of a deadly weapon or the causing of bodily injury to another person, OR A CRIMINAL OFFENSE ALLEGING THE POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S., and such person is on parole, the law enforcement agency making the arrest shall notify the department of corrections within twenty-four hours. The person so arrested shall not be eligible for bail to be set until at least seventy-two hours from the time of his OR HER arrest has passed.

SECTION 6. 16-4-201.5 (1), Colorado Revised Statutes, is amended read:

16-4-201.5. Right to bail after a conviction - exceptions.
(1) The court may grant bail after a person is convicted, pending sentencing or appeal, only as provided by this part 2; except that no bail is allowed for persons convicted of:

- (a) Murder;
- (b) Any felony sexual assault involving the use of a deadly weapon;
- (c) Any felony sexual assault committed against a child who is under fifteen years of age;
- (d) A crime of violence, as defined in section 16-11-309; ~~or~~
- (e) Any felony during the commission of which the person used a firearm; OR
- (f) A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S."

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE

February 22, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1007,1025,1048,1195,1271,1277,1281,1284,1313,1319,1326,1352,

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

- HB00-1049, amended as printed in House Journal, February 21, pages 646-647.
- HB00-1103, amended as printed in House Journal, February 21, page 647.
- HB00-1116, amended as printed in House Journal, February 21, page 650.
- HB00-1142, amended as printed in House Journal, February 21, page 652.
- HB00-1150, amended as printed in House Journal, February 21, page 674.
- HB00-1167, amended as printed in House Journal, February 21, page 680.
- HB00-1202, amended as printed in House Journal, February 21, page 675.
- HB00-1205, amended as printed in House Journal, February 21, page 675-676, and on Third Reading as printed in House Journal February 22, page 698.
- HB00-1249, amended as printed in House Journal, February 21, page 645.
- HB00-1259, amended as printed in House Journal, February 21, page 646.
- HB00-1260, amended as printed in House Journal, February 21, page 682.
- HB00-1268, amended as printed in House Journal, February 21, page 650.
- HB00-1290, amended as printed in House Journal, February 21, page 676-677.
- HB00-1291, amended as printed in House Journal, February 21, page 646.

HB00-1301, amended as printed in House Journal, February 21, page 677.
HB00-1302, amended as printed in House Journal, February 21, page 677-678.
HB00-1304, amended as printed in House Journal, February 21, page 681-682.
HB00-1306, amended as printed in House Journal, February 21, page 652.
HB00-1314, amended as printed in House Journal, February 21, page 650.
HB00-1315, amended as printed in House Journal, February 21, page 645.
HB00-1332, amended as printed in House Journal, February 21, page 646.
HB00-1336, amended as printed in House Journal, February 21, page 680-681.
HB00-1391, amended as printed in House Journal, February 21, page 653.
HB00-1394, amended as printed in House Journal, February 21, page 682.

MESSAGE FROM THE REVISOR

February 22, 2000

We herewith transmit:

without comment, HB00-1007, 1025, 1048, 1195, 1271, 1277, 1281, 1284, 1313, 1319, 1326, and 1352; and
without comment, as amended, HB00-1049, 1103, 1116, 1142, 1150, 1167, 1202, 1205, 1249, 1259, 1260, 1268, 1290, 1291, 1301, 1302, 1304, 1306, 1314, 1315, 1332, 1336, 1391, and 1394.

INTRODUCTION OF BILLS

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

- HB 00-1007 by Representative S. Williams; also Senator Dyer--Concerning revenues received by the regional transportation district.
Transportation
- HB 00-1025 by Representatives Clarke, Leyba, Taylor and Young; also Senators Linkhart, Anderson, Lamborn and Reeves--Concerning the Colorado children's trust fund.
Health, Environment, Welfare & Institutions
Appropriations
- HB 00-1048 by Representative Mitchell; also Senator Arnold--Concerning the continuation of the voluntary contribution on state individual income tax returns for the Colorado special olympics to provide funding.
Finance
- HB 00-1049 by Representative McPherson; also Senator Lacy--Concerning the allowance of an earned income tax credit for all income tax years regardless of whether state revenues exceed the constitutional limitation on state fiscal year spending.
Finance
Appropriations
- HB 00-1080 by Representative Kaufman; also Senator Dyer--Concerning the application of the "Colorado Uniform Prudent Investor Act" to investments of portions of volunteer firefighter pension funds that are not affiliated with the fire and police pension association.
State, Veterans, & Military Affairs
- HB 00-1103 by Representative Spradley; also Senators Owen, Tebedo--Concerning the reduction of the state income tax rate, and making an appropriation in connection therewith.
Finance
Appropriations
- HB 00-1116 by Representative George; also Senator Wham--Concerning the legal consequences of acts of fraud against senior citizens.
Judiciary
Appropriations
- HB 00-1142 by Representative Witwer; also Senator Arnold--Concerning the requirement for commercial vehicles that are equipped with engine compression brake devices to have mufflers for such devices.
Transportation
Appropriations

HB	00-1150	by Representative Leyba; also Senator Feeley--Concerning creation of specific parole provisions for special needs offenders. Judiciary	1 2 3 4
HB	00-1159	by Representatives Allen, Dean, Kester; also Senator Anderson--Concerning the financing of public schools, and making an appropriation in connection therewith. Education Appropriations	5 6 7 8 9
HB	00-1165	by Representative Kaufman; also Senator Wham--Concerning creation of a statutory exception to the hearsay rule of evidence. Judiciary	10 11 12 13
HB	00-1167	by Representative Swenson; also Senator Musgrave--Concerning maximization of the use of the waste tire cleanup fund. Transportation Appropriations	14 15 16 17 18
HB	00-1181	by Representative Spence; also Senator Andrews--Concerning the formation of charter schools. Education	19 20 21 22
HB	00-1185	by Representative Berry; also Senator Matsunaka--Concerning the "Uniform Consumer Credit Code". Business Affairs & Labor	23 24 25 26
HB	00-1186	by Representatives George, May, Kester, Alexander, Allen, Dean, Decker, Gotlieb, Hoppe, Kaufman, King, Larson, Lawrence, McElhany, McKay, Miller, Smith, Swenson, Taylor, Tool, Williams T.; also Senators Anderson, Chlouber, Dennis, Dyer, Epps, Powers, Reeves, Teck, Wattenberg--Concerning the relationship between motor vehicle dealers and manufacturers. Business Affairs & Labor	27 28 29 30 31 32 33
HB	00-1195	by Representative Tate; also Senator Matsunaka--Concerning measures to correct underutilization of protected classes in the state personnel system. State, Veterans, & Military Affairs Appropriations	34 35 36 37 38
HB	00-1202	by Representatives Clapp, Dean, Decker, Fairbank, King, Lee, McKay, Nunez, Paschall and Pfiffner; also Senator Musgrave--Concerning access to student information. Education	39 40 41 42
HB	00-1205	by Representatives Hagedorn and Tool; also Senator Dennis--Concerning the licensure of addiction counselors. State, Veterans, & Military Affairs	43 44 45 46
HB	00-1222	by Representative Bacon; also Senator Matsunaka--Concerning maintenance of public employee retirement benefits for retirees who are hired as nonlicensed employees by a school district during a critical employee shortage. Education	47 48 49 50 51
HB	00-1223	by Representatives Smith, Berry, Coleman, Johnson, Kaufman, Keller, Kester, Larson, Morrison and Webster; also Senators Anderson, Pascoe, Feeley, Lacy, Matsunaka, Phillips and Weddig--Concerning enhanced land use planning relationships among local governments. Agriculture, Natural Resources, and Energy Local Government	52 53 54 55 56 57 58
HB	00-1249	by Representatives Paschall, Alexander, Clapp, Dean, Decker, Fairbank, Hefley, King, Lee, May, McKay, Mitchell, Scott, Sinclair and Witwer; also Senators Andrews, Congrove, Evans, Hillman and Teck--Concerning strengthening of the marriage relationship. State, Veterans, & Military Affairs	59 60 61 62 63 64
HB	00-1259	by Representatives McPherson and Gordon; also Senator Teck--Concerning the reduction of the state sales and use tax rate, and making an appropriation in connection therewith. Finance Appropriations	65 66 67 68 69 70 71 72

- HB 00-1260 by Representative Dean; also Senator Lacy--Concerning the exoneration of a person
executing a bail bond from liability after a period of three years.
Judiciary 1
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- HB 00-1268 by Representatives McKay and McPherson; also Senators Teck and Congrove--
Concerning the assessment of property for property tax purposes.
Finance 5
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- HB 00-1271 by Representative Mitchell; also Senator Anderson--Concerning the authority of a board of
a special district to divide the district into areas, and, in connection therewith, allowing the
board to furnish services, programs, and facilities within such areas and to levy taxes upon
property within such areas to pay the costs associated with furnishing any services,
programs, and facilities within such areas.
Local Government 9
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- HB 00-1277 by Representative Dean; also Senator Sullivant--Concerning the eminent domain
proceedings by the board of a park and recreation district, and, in connection therewith,
requiring the court to appoint an arbitrator if requested by all of the owners of a parcel of
real property being condemned by a park and recreation district.
Local Government 16
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- HB 00-1281 by Representative Kaufman; also Senator Matsunaka--Concerning the modification of land
use requirements for cluster developments.
Local Government 22
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Agriculture, Natural Resources, and Energy 25
26
- HB 00-1284 by Representatives Tate and Mace; also Senator Tanner--Concerning housing authorities.
Local Government 27
28
Finance 29
30
- HB 00-1290 by Representative Gotlieb; also Senator Wattenberg--Concerning the extension of an
increase in water quality control permit program fees, and, in connection therewith, adding
an element to a reporting requirement concerning such program.
Agriculture, Natural Resources, and Energy 31
32
33
34
35
- HB 00-1301 by Representatives Vigil and Tapia; also Senator Dennis--Concerning a requirement for
moneys in racing purse trust accounts to be federally protected.
Agriculture, Natural Resources, and Energy 36
37
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39
- HB 00-1302 by Representative Kaufman; also Senator Matsunaka--Concerning tax incentives for
owners of qualified low-income housing developments.
Finance 40
41
42
Appropriations 43
44
- HB 00-1304 by Representative McElhany; also Senator Hillman--Concerning the implementation of
constitutional amendments relating to information provided to the electorate for an
election on a ballot issue.
State, Veterans, & Military Affairs 45
46
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- HB 00-1306 by Representatives McPherson and Smith; also Senator Teck--Concerning incentives for
redevelopment of contaminated land, and making an appropriation in connection
therewith.
Finance 50
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Appropriations 54
55
- HB 00-1313 by Representative McElhany; also Senator Epps--Concerning requirements related to the
provision of assistance in voting for disabled electors.
State, Veterans, & Military Affairs 56
57
58
59
- HB 00-1314 by Representative Johnson; also Senator Wattenberg--Concerning authority for the
division of wildlife to reintroduce in Colorado two endangered species that are listed under
the federal "Endangered Species Act of 1973", and, in connection therewith, authorizing
the reintroduction of the bonytail and the black-footed ferret.
Agriculture, Natural Resources, and Energy 60
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- HB 00-1315 by Representative Allen; also Senator Hillman--Concerning standards for reclaimed
domestic wastewater to be used for purposes other than drinking.
Agriculture, Natural Resources, and Energy 66
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- HB 00-1319 by Representative Takis; also Senator Weddig--Concerning the provision of notices of an election by election officials.
State, Veterans, & Military Affairs
- HB 00-1326 by Representatives Scott and Dean; also Senator Lamborn--Concerning the "Uniform Principal and Income Act".
Judiciary
- HB 00-1332 by Representative Larson; also Senator Dyer--Concerning the authority of a local governing body to place a weed assessment upon private lands to manage noxious weeds.
Agriculture, Natural Resources, and Energy
- HB 00-1336 by Representatives Coleman and Ragsdale; also Senator Linkhart--Concerning access to adoption records.
State, Veterans, & Military Affairs
- HB 00-1352 by Representatives Dean, George and Gordon; also Senators Blickensderfer, Powers and Feeley--Concerning the payment of expenses of the legislative department, and making an appropriation in connection therewith.
Appropriations
- HB 00-1368 by Representatives Lee, Fairbank and McKay; also Senator Blickensderfer--Concerning compliance by certain residential facilities with local government zoning requirements as a condition to state licensure of such facilities.
Local Government
- HB 00-1391 by Representative Gotlieb; also Senator Teck--Concerning student election judges.
State, Veterans, & Military Affairs
- HB 00-1394 by Representative McPherson; also Senator Blickensderfer--Concerning methods to prevent voter fraud in state elections.
State, Veterans, & Military Affairs

On motion of Senator Chlouber, the Senate adjourned until 9:00 a.m., Wednesday, February 23, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate