

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

111<sup>th</sup> Legislative Day Monday, April 24, 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, 30.  
Absent/Excused--Chlouber, Lacy, Linkhart, Perlmutter, Sullivant--Total, 5.  
Present later--Chlouber, Lacy, Linkhart, Perlmutter, Sullivant.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hillman, reading of the Journal of Wednesday, April 19th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 00-229, 230.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that HB00-1169 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 43, line 26, strike "act." and substitute "act and delinquencies of orders existing on or after said date."

Judiciary After consideration on the merits, the committee recommends that HB00-1107 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 6, after line 5, insert the following:

"SECTION 5. 18-3-206, Colorado Revised Statutes, is amended to read:

**18-3-206. Menacing.** (1) A person commits the crime of menacing if, by any threat or physical action, he OR SHE knowingly places or attempts to place another person in fear of imminent serious bodily injury. Menacing is a class 3 misdemeanor, but, IT IS A CLASS 5 FELONY if committed:

(a) By the use of a deadly weapon OR ANY ARTICLE USED OR FASHIONED IN A MANNER TO CAUSE A PERSON TO REASONABLY BELIEVE THAT THE ARTICLE IS A DEADLY WEAPON; OR

(b) BY THE PERSON REPRESENTING VERBALLY OR OTHERWISE THAT HE OR SHE IS ARMED WITH A DEADLY WEAPON. ~~it is a class 5 felony.~~

SECTION 6. 18-3-302 (4), Colorado Revised Statutes, is amended to read:

**18-3-302. Second degree kidnapping.** (4) Second degree kidnapping is a class 3 felony if the kidnapping is accomplished with

intent to sell, trade, or barter the victim for consideration or if the kidnapping is accomplished by the use of a deadly weapon but did not include sexual assault or robbery, BUT IS ACCOMPLISHED BY THE USE OF A DEADLY WEAPON OR ANY ARTICLE USED OR FASHIONED IN A MANNER TO CAUSE A PERSON TO REASONABLY BELIEVE THAT THE ARTICLE IS A DEADLY WEAPON, OR IF THE KIDNAPPING IS ACCOMPLISHED BY THE PERPETRATOR REPRESENTING VERBALLY OR OTHERWISE THAT HE OR SHE IS ARMED WITH A DEADLY WEAPON. A defendant convicted pursuant to this subsection (4) shall be sentenced by the court in accordance with the provisions of section 16-11-309, C.R.S.

**SECTION 7.** 18-5.5-101 (2), Colorado Revised Statutes, is amended, and the said 18-5.5-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**18-5.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Computer" means an electronic, MAGNETIC, OPTICAL, ELECTROMAGNETIC, OR OTHER DATA PROCESSING device which performs logical, arithmetic, or memory, OR STORAGE functions by the manipulations of electronic, or magnetic, RADIO WAVE, OR LIGHT WAVE impulses, and includes all input, output, processing, storage, software, or communication facilities which are connected or related to OR OPERATING IN CONJUNCTION WITH such a device. ~~in a system or network~~

(6.3) "DAMAGE" INCLUDES, BUT IS NOT LIMITED TO, ANY IMPAIRMENT TO THE INTEGRITY OF AVAILABILITY OF INFORMATION, DATA, COMPUTER PROGRAM, COMPUTER SOFTWARE, OR SERVICES ON OR VIA A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR PART THEREOF.

(6.7) "EXCEED AUTHORIZED ACCESS" MEANS TO ACCESS A COMPUTER WITH AUTHORIZATION AND TO USE SUCH ACCESS TO OBTAIN OR ALTER INFORMATION, DATA, COMPUTER PROGRAM, OR COMPUTER SOFTWARE THAT THE PERSON IS NOT ENTITLED TO SO OBTAIN OR ALTER.

**SECTION 8.** 18-5.5-102, Colorado Revised Statutes, is amended to read:

**18-5.5-102. Computer crime.** (1) ~~Any person who knowingly uses any computer, computer system, computer network, or any part thereof for the purpose of devising or executing any scheme or artifice to defraud; obtaining money, property, or services by means of false or fraudulent pretenses, representations, or promises; using the property or services of another without authorization; or committing theft commits computer crime.~~ A PERSON COMMITS COMPUTER CRIME IF THE PERSON KNOWINGLY:

(a) ACCESSES A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF WITHOUT AUTHORIZATION; EXCEEDS AUTHORIZED ACCESS TO A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF; OR USES A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF WITHOUT AUTHORIZATION OR IN EXCESS OF AUTHORIZED ACCESS; OR

(b) ACCESSES ANY COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM, OR ANY PART THEREOF FOR THE PURPOSE OF DEVISING OR EXECUTING ANY SCHEME OR ARTIFICE TO DEFRAUD; OR

(c) ACCESSES ANY COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM, OR ANY PART THEREOF TO OBTAIN, BY MEANS OF FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS, OR PROMISES, MONEY; PROPERTY; SERVICES; PASSWORDS OR SIMILAR INFORMATION THROUGH WHICH A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF MAY BE ACCESSED; OR OTHER THING OF VALUE; OR

(d) ACCESSES ANY COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM, OR ANY PART THEREOF TO COMMIT THEFT; OR

(e) WITHOUT AUTHORIZATION OR IN EXCESS OF AUTHORIZED

ACCESS ALTERS, DAMAGES, INTERRUPTS, OR CAUSES THE INTERRUPTION OR IMPAIRMENT OF THE PROPER FUNCTIONING OF, OR CAUSES ANY DAMAGE TO, ANY COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, COMPUTER SOFTWARE, PROGRAM, APPLICATION, DOCUMENTATION, OR DATA CONTAINED IN SUCH COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF; OR

(f) CAUSES THE TRANSMISSION OF A COMPUTER PROGRAM, SOFTWARE, INFORMATION, CODE, DATA, OR COMMAND BY MEANS OF A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OR ANY PART THEREOF WITH THE INTENT TO CAUSE DAMAGE TO OR TO CAUSE THE INTERRUPTION OR IMPAIRMENT OF THE PROPER FUNCTIONING OF OR THAT ACTUALLY CAUSES DAMAGE TO OR THE INTERRUPTION OR IMPAIRMENT OF THE PROPER FUNCTIONING OF ANY COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, OR PART THEREOF.

~~(2) Any person who knowingly and without authorization uses, alters, damages, or destroys any computer, computer system, or computer network described in section 18-5.5-101 or any computer software, program, documentation, or data contained in such computer, computer system, or computer network commits computer crime.~~

(3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), if the loss, damage, VALUE OF SERVICES, or thing of value taken, ~~in~~ OR COST OF RESTORATION OR REPAIR CAUSED BY A violation of this section is less than one hundred dollars, computer crime is a class 3 misdemeanor; if one hundred dollars or more but less than five hundred dollars, computer crime is a class 2 misdemeanor; if five hundred dollars or more but less than fifteen thousand dollars, computer crime is a ~~class 5~~ CLASS 4 felony; if fifteen thousand dollars or more, computer crime is a class 3 felony.

(b) COMPUTER CRIME COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 2 MISDEMEANOR; EXCEPT THAT, IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, A PREVIOUS VERSION OF THIS SECTION, OR A STATUTE OF ANOTHER STATE OF SIMILAR CONTENT AND PURPORT, COMPUTER CRIME COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 6 FELONY.

**SECTION 9.** 18-8-211 (2) (a), Colorado Revised Statutes, is amended to read:

**18-8-211. Riots in detention facilities.** (2) Active participation in a riot by any person while confined in any detention facility within the state:

(a) Is a class 3 felony if the participant employs IN THE COURSE OF SUCH PARTICIPATION a deadly weapon, as defined in section 18-1-901 (3) (e), ~~or~~ destructive device, as defined in section 18-9-101 (1), OR ANY ARTICLE USED OR FASHIONED IN A MANNER TO CAUSE A PERSON TO REASONABLY BELIEVE THAT THE ARTICLE IS A DEADLY WEAPON, OR IF THE PARTICIPANT, IN THE COURSE OF SUCH PARTICIPATION, REPRESENTS VERBALLY OR OTHERWISE THAT HE OR SHE IS ARMED WITH A DEADLY WEAPON; ~~in the course of such participation; or~~

**SECTION 10.** 18-9-104 (1), Colorado Revised Statutes, is amended to read:

**18-9-104. Engaging in a riot.** (1) A person commits an offense if he OR SHE engages in a riot. The offense is a class 4 felony if IN THE COURSE OF RIOTING the actor employs a deadly weapon, ~~or~~ A destructive device, ~~in the course of rioting~~ OR ANY ARTICLE USED OR FASHIONED IN A MANNER TO CAUSE A PERSON TO REASONABLY BELIEVE THAT THE ARTICLE IS A DEADLY WEAPON, OR IF IN THE COURSE OF RIOTING THE ACTOR REPRESENTS VERBALLY OR OTHERWISE THAT HE OR SHE IS ARMED WITH A DEADLY WEAPON; otherwise, it is a class 2 misdemeanor.

**SECTION 11.** The introductory portion to 18-9-106 (1) and 18-9-106 (1) (f), Colorado Revised Statutes, are amended to read:

**18-9-106. Disorderly conduct.** (1) A person commits disorderly

conduct if he OR SHE intentionally, knowingly, or recklessly:

(f) Not being a peace officer, displays a deadly weapon, DISPLAYS ANY ARTICLE USED OR FASHIONED IN A MANNER TO CAUSE A PERSON TO REASONABLY BELIEVE THAT THE ARTICLE IS A DEADLY WEAPON, OR REPRESENTS VERBALLY OR OTHERWISE THAT HE OR SHE IS ARMED WITH A DEADLY WEAPON in a public place in a manner calculated to alarm."

Renumber succeeding sections accordingly.

Page 26, after line 8, insert the following:

"SECTION 39. 18-18-206 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-18-206. Schedule IV. (2) Unless specifically excepted by Colorado or federal law or Colorado or federal regulation or more specifically included in another schedule, the following controlled substances are listed in schedule IV:

(f) ZALEPLON."

Page 33, after line 16, insert the following:

"SECTION 51. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-126. Appropriation to comply with section 2-2-703 - HB 00-1107. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 00-1107, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF EIGHT HUNDRED TWELVE THOUSAND SEVEN HUNDRED SIXTY-FOUR DOLLARS (\$812,764).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF THREE HUNDRED EIGHTY-THREE THOUSAND NINE HUNDRED TWENTY-ONE DOLLARS (\$383,921).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED SIX THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS (\$306,985).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-ONE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS (\$61,941).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED THIRTY THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS (\$430,128).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED

FORTY-NINE THOUSAND ONE HUNDRED FIFTY-ONE DOLLARS (\$449,151).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED FORTY-NINE THOUSAND ONE HUNDRED FIFTY-ONE DOLLARS (\$449,151).

**SECTION 52.** The introductory portion to 24-75-302 (2) and 24-75-302 (2) (m), (2) (n), and (2) (o) are amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2002 2004, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(m) On July 1, 2000, one hundred million dollars, plus one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186; plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus twelve thousand two hundred seventeen dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus seventy-one thousand two hundred seven dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS EIGHT HUNDRED TWELVE THOUSAND SEVEN HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO H.B. 00-1107, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

(n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS THREE HUNDRED EIGHTY-THREE THOUSAND NINE HUNDRED TWENTY-ONE DOLLARS PURSUANT TO H.B. 00-1107, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY; and

(o) On July 1, 2002, thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS SIXTY-ONE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS PURSUANT TO H.B. 00-1107, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY."

Renumber succeeding sections accordingly.

**SIGNING OF BILLS**

The President has signed: SB00-069, 190.

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 SJR00-025.

CONSIDERATION OF RESOLUTION

SJR 00-025 by Sen. Owen; Rep. Sinclair--Civil Air Patrol Cadet Program Day

On motion of Senator Congrove, the Resolution was adopted by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	E	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	E		

Co-sponsors added: Anderson, Andrews, Arnold, Blickensderfer, Chlouber, Dennis, Epps, Evans, Feeley, Hernandez, Hillman, Lamborn, Linkhart, Martinez, Matsunaka, Musgrave, Nichol, Pascoe, Phillips, Powers, Reeves, Rupert, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

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

SB 00-173 by Sen. Evans; Rep. Gotlieb--State Charter Schools

Amendment No. 1, by Senator Evans

Amend printed bill, page 17, strike lines 9 through 12 and substitute the following:

"SUBSECTION (3) OF THIS SECTION; EXCEPT THAT THE DEPARTMENT SHALL REDUCE THE AMOUNT SO CALCULATED IF NECESSARY TO ENSURE THAT THE STATE'S SHARE OF THE TOTAL PROGRAM OF ALL SCHOOL DISTRICTS PLUS ANY AMOUNTS PAYABLE TO THE STATE CHARTER SCHOOLS PURSUANT TO THIS SECTION DOES NOT EXCEED THE AMOUNT OF THE STATE'S SHARE OF THE TOTAL PROGRAM OF ALL DISTRICTS THAT WOULD OTHERWISE HAVE RESULTED IF FUNDING WERE NOT ALLOCATED TO STATE CHARTER SCHOOLS.

(2) ON OR BEFORE NOVEMBER 10 OF EACH YEAR, EACH STATE CHARTER SCHOOL SHALL CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT OF THE STATE CHARTER SCHOOL AS TAKEN IN THE PRECEDING OCTOBER, THE AT-RISK PUPIL COUNT OF THE STATE CHARTER SCHOOL AS TAKEN IN THE PRECEDING OCTOBER, THE SCHOOL DISTRICT OF RESIDENCE OF EACH PUPIL INCLUDED IN THE PUPIL ENROLLMENT OF THE STATE CHARTER SCHOOL, AND THE SCHOOL DISTRICT OF ATTENDANCE IN THE PRIOR BUDGET YEAR OF EACH PUPIL INCLUDED IN THE PUPIL ENROLLMENT OF THE STATE CHARTER SCHOOL."

Renumber succeeding subsections accordingly.

As amended, declared LOST on Second Reading. (For further action, see page 1087 where the Evans amendment to the Report of the Committee of the Whole was adopted, and SB00-173, as amended, was laid over until Tuesday, April 25, retaining its place on the calendar.)

The following bills on the General Orders calendar of Monday, April 24, were laid over until Tuesday, April 25, retaining their place on the calendar:

HB00-1394, HB00-1012, HB00-1306, HB00-1358, HB00-1069, HB00-1381, HB00-1124, HB00-1214, HB00-1247, HB00-1201, HB00-1294, HB00-1256, HB00-1153, HB00-1235, HB00-1255, HB00-1365, HB00-1083, HB00-1343, HB00-1142, HB00-1298, SB00-213, SB00-220, HB00-1446, HB00-1417, HB00-1345, HB00-1178, HB00-1065, HB00-1420, HB00-1086, HB00-1323, HB00-1093, HB00-1116, HB00-1103, HB00-1375, HB00-1422, HB00-1330, SCR00-007.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB 00-173 by Sen. Evans; Rep. Gotlieb--State Charter Schools

Senator Evans moved to amend the Report of the Committee of the Whole to show that SB00-173, as amended, was laid over until Tuesday, April 25, retaining its place on the calendar.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Andrews, 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:

SB00-173, as amended, laid over until Tuesday, April 25, retaining its place on the calendar.  
HB00-1394, HB00-1012, HB00-1306, HB00-1358, HB00-1069, HB00-1381, HB00-1124, HB00-1214, HB00-1247, HB00-1201, HB00-1294, HB00-1256, HB00-1153, HB00-1235, HB00-1255, HB00-1365, HB00-1083, HB00-1343, HB00-1142, HB00-1298, SB00-213, SB00-220, HB00-1446, HB00-1417, HB00-1345, HB00-1178, HB00-1065, HB00-1420, HB00-1086, HB00-1323, HB00-1093, HB00-1116, HB00-1103, HB00-1375, HB00-1422, HB00-1330, SCR00-007 laid over until Tuesday, April 25, retaining their place on the calendar.

CONFERENCE COMMITTEES GRANTED FURTHER POWERS

HB 00-1208 by Rep. Clapp; Senator Teck--Lawsuits Against Firearms Manufacturers

Senator Teck moved that the Senate Conferees on the First Conference Committee on HB00-1208 be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted.

HB 00-1336 by Rep. Coleman; Senator Linkhart--Access To Adoption Records

Senator Linkhart moved that the Senate Conferees on the First Conference Committee on HB00-1336 be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that HB00-1371 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 8, line 3, strike "GAL AND CASA" and substitute "GAL, CASA, AND REPRESENTATIVE OF THE CHILD".

Judiciary

After consideration on the merits, the committee recommends that HB00-1318 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

"SECTION 1. 19-3-403 (3.6), Colorado Revised Statutes, is amended to read:

**19-3-403. Temporary custody - hearing - time limits - restriction.** (3.6) At the hearing, information may be supplied to the court in the form of written or oral reports, affidavits, testimony, or other relevant information that the court may wish to receive. Any information having probative value may be received by the court, regardless of its admissibility under the Colorado rules of evidence. THE COURT SHALL ADVISE THE PARENTS OF THE CHILD THAT THE CHILD MAY BE PLACED WITH THE CHILD’S GRANDPARENT, AUNT, UNCLE, BROTHER, OR SISTER IF IN THE COURT’S OPINION SUCH PLACEMENT IS APPROPRIATE AND IN THE CHILD’S BEST INTERESTS. THE COURT SHALL ORDER THE PARENTS TO PROVIDE, WITHIN FIFTEEN DAYS AFTER THE HEARING, THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS, IF KNOWN, OF ANY RELATIVES. THE COURT MAY ORDER A COUNTY DEPARTMENT OF SOCIAL SERVICES TO MAKE REASONABLE AND TIMELY EFFORTS TO CONTACT SUCH IDENTIFIED RELATIVES WITHIN NINETY DAYS AFTER THE HEARING ABOUT PLACEMENT POSSIBILITIES FOR THE CHILD UNLESS THE COURT DETERMINES THERE IS GOOD CAUSE NOT TO NOTIFY OR GOOD CAUSE TO DELAY THE NOTIFICATION OF SUCH RELATIVES. The court may consider and give preference to giving temporary custody to the child’s grandparent OR SUCH OTHER RELATIVE who is appropriate, capable, willing, and available for care if in the best interests of the child and if the court finds that there is no suitable ~~natural~~ BIRTH or adoptive parent available, with due diligence having been exercised in attempting to locate any such ~~natural~~ BIRTH or adoptive parent. The court may place or continue custody with the county department of social services if the court is satisfied from the information presented at the hearing that such custody is appropriate and in the child’s best interests, or the court may enter such other orders as are appropriate. The court shall make a finding that reasonable efforts have been made to prevent unnecessary out-of-home placement if the evidence supports such a finding. In the alternative, if the evidence supports such a finding, the court shall make a finding that the child is seriously endangered and an emergency situation exists which makes it reasonable not to make reasonable efforts to prevent the removal of such child.

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

(2) The provisions of this act shall apply to actions commencing on or after the applicable effective date of this act."

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 Monday, April 24, was laid over until Tuesday, April 25, retaining its place on the calendar.

Senate in recess.

Senate reconvened.



SENATE SERVICES REPORT

Senate  
Services

Correctly engrossed: SJR 00-025.

COMMITTEE OF REFERENCE REPORTS

Approp-  
riations

After consideration on the merits, the committee recommends that HB00-1259 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend the Finance Committee amendment, as printed in Senate Journal, March 15, page 620, strike line 5 and substitute the following:

"Amend reengrossed bill, page 1, line 7, strike "EIGHTY-FIVE ONE-HUNDREDTHS" and substitute "NINETY ONE-HUNDREDTHS".

Page 2, line 6, strike "EIGHTY-FIVE ONE-HUNDREDTHS" and substitute "NINETY ONE-HUNDREDTHS";

line 10, strike "EIGHTY-FIVE" and substitute "NINETY";

line 18, strike "EIGHTY-FIVE ONE-HUNDREDTHS" and substitute "NINETY ONE-HUNDREDTHS";

after line 25, insert the following:

"SECTION 2. 39-26-105 (1) (a), Colorado Revised Statutes, is amended, and the said 39-26-105 (1) if further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**39-26-105. Vendor liable for tax.** (1) (a) Except as provided in paragraph (d) PARAGRAPHS (d) AND (e) of this subsection (1), every retailer, also in this part 1 called "vendor", shall, irrespective of the provisions of section 39-26-106, be liable and responsible for the payment of an amount equivalent to three percent of all sales made by the vendor of commodities or services as specified in section 39-26-104 and shall, before the twentieth day of each month, make a return to the executive director of the department of revenue for the preceding calendar month and remit an amount equivalent to said three percent on such sales to said executive director, less three and one-third percent of the sum so remitted to cover the vendor's expense in the collection and remittance of said tax; but, if any vendor is delinquent in remitting said tax, other than in unusual circumstances shown to the satisfaction of the executive director, the vendor shall not be allowed to retain any amounts to cover his expense in collecting and remitting said tax, and an amount equivalent to the full three percent, plus the amount of any local vendor expense which may be allowed by the local government to the vendor, shall be remitted to the executive director by any such delinquent vendor. Such returns of the taxpayer or the taxpayer's duly authorized agent shall contain such information and be made in such manner and upon such forms as the executive director shall prescribe. Any local vendor expense remitted to the executive director shall be deposited to the state general fund.

(e) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2000, EVERY RETAILER OR VENDOR WHO SELLS ITEMS UPON WHICH A SALES TAX IS IMPOSED AT A RATE OF ONE ONE-HUNDREDTH OF ONE PERCENT PURSUANT TO SECTION 39-26-106 (1) (c) SHALL BE LIABLE AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE AMOUNT OF SALES TAX IMPOSED ON SUCH ITEMS LESS THREE AND ONE-THIRD PERCENT."

Renumber succeeding sections accordingly.

Page 3, line 1, strike "amended" and substitute "amended, and the said 39-26-106 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,";

line 3, strike "(a)," and substitute "(a) AND IN PARAGRAPH (c) OF THIS

SUBSECTION (1),";

line 12, strike "EIGHTY-FIVE ONE-HUNDREDTHS" and substitute "NINETY ONE-HUNDREDTHS";

after line 17, insert the following:

"(c) (I) NOTWITHSTANDING THE RATE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2000, IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF THE CALENDAR YEAR IN WHICH THAT FISCAL YEAR ENDS INDICATES THAT THE AGGREGATE AMOUNT OF STATE REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THAT FISCAL YEAR BY \_\_\_\_\_ DOLLARS OR MORE AND VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE REVENUES FOR THAT FISCAL YEAR, THE TAX IMPOSED PURSUANT TO THIS SUBSECTION (1) SHALL BE IMPOSED UPON ANY SALE OF A NEW OR USED COMMERCIAL TRUCK, TRUCK TRACTOR, TRACTOR, SEMITRAILER, OR VEHICLE USED IN COMBINATION THEREWITH THAT HAS A GROSS VEHICLE WEIGHT RATING IN EXCESS OF TWENTY-SIX THOUSAND POUNDS FOR THE PERIOD COMMENCING ON JULY 1 OF THE CALENDAR YEAR IN WHICH THAT FISCAL YEAR ENDS THROUGH JUNE 30 OF THE IMMEDIATELY SUBSEQUENT CALENDAR YEAR, AT A RATE OF ONE ONE-HUNDREDTH OF ONE PERCENT.

(II) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT REDUCING THE RATE OF THE SALES TAX IMPOSED ON ANY SALE OF A NEW OR USED COMMERCIAL TRUCK, TRUCK TRACTOR, TRACTOR, SEMITRAILER, OR VEHICLE USED IN COMBINATION THEREWITH THAT HAS A GROSS VEHICLE WEIGHT RATING IN EXCESS OF TWENTY-SIX THOUSAND POUNDS IS A REASONABLE METHOD OF REFUNDING EXCESS STATE REVENUES REQUIRED TO BE REFUNDED IN ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

(III) ANY STATE SALES TAX RATE REDUCTION ALLOWED PURSUANT TO THIS SECTION SHALL BE PUBLISHED IN RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE INCLUDED IN SUCH NOTICES AND PUBLICATIONS AS ARE CUSTOMARILY ISSUED BY THE DEPARTMENT OF REVENUE ON AT LEAST A QUARTERLY BASIS CONCERNING EXEMPTIONS FROM THE STATE SALES AND USE TAX.";

line 19, strike "amended" and substitute "amended, and the said 39-26-202 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

line 21, strike "(1)," and substitute "(1) AND IN SUBSECTION (3) OF THIS SECTION,".

Page 4, line 2, strike "EIGHTY-FIVE ONE-HUNDREDTHS" and substitute "NINETY ONE-HUNDREDTHS";

after line 13, insert the following:

"(3) (a) NOTWITHSTANDING THE RATE PROVISIONS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION, FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2000, IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF THE CALENDAR YEAR IN WHICH THAT FISCAL YEAR ENDS INDICATES THAT THE AGGREGATE AMOUNT OF STATE REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THAT FISCAL YEAR BY \_\_\_\_\_ DOLLARS OR MORE AND VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE REVENUES FOR THAT FISCAL YEAR, THE TAX IMPOSED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE IMPOSED UPON ANY SALE OF A NEW OR USED COMMERCIAL TRUCK,

TRUCK TRACTOR, TRACTOR, SEMITRAILER, OR VEHICLE USED IN COMBINATION THEREWITH THAT HAS A GROSS VEHICLE WEIGHT RATING IN EXCESS OF TWENTY-SIX THOUSAND POUNDS FOR THE PERIOD COMMENCING ON JULY 1 OF THE CALENDAR YEAR IN WHICH THAT FISCAL YEAR ENDS THROUGH JUNE 30 OF THE IMMEDIATELY SUBSEQUENT CALENDAR YEAR, AT A RATE OF ONE ONE-HUNDREDTH OF ONE PERCENT.

(b) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT REDUCING THE RATE OF THE USE TAX IMPOSED ON THE STORAGE, USE, OR CONSUMPTION OF A NEW OR USED COMMERCIAL TRUCK, TRUCK TRACTOR, TRACTOR, SEMITRAILER, OR VEHICLE USED IN COMBINATION THEREWITH THAT HAS A GROSS VEHICLE WEIGHT RATING IN EXCESS OF TWENTY-SIX THOUSAND POUNDS IS A REASONABLE METHOD OF REFUNDING EXCESS STATE REVENUES REQUIRED TO BE REFUNDED IN ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

(c) ANY STATE USE TAX RATE REDUCTION ALLOWED PURSUANT TO THIS SECTION SHALL BE PUBLISHED IN RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE INCLUDED IN SUCH NOTICES AND PUBLICATIONS AS ARE CUSTOMARILY ISSUED BY THE DEPARTMENT OF REVENUE ON AT LEAST A QUARTERLY BASIS CONCERNING EXEMPTIONS FROM THE STATE SALES AND USE TAX.";

line 7 of the Journal, strike ""SECTION 4." and substitute "SECTION 5.";

strike lines 22 through 31 of the Senate Journal and substitute the following:

"(A.5) ON AND AFTER JANUARY 1, 2001, UP TO AND INCLUDING JUNE 30, 2001, AND FOR FISCAL YEARS BEGINNING ON AND AFTER JULY 1, 2001, THE ALLOCATION OF RECEIPTS UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) TO THE HIGHWAY USERS TAX FUND SHALL BE INCREASED BY THIRTY-FOUR ONE-HUNDREDTHS OF A PERCENTAGE POINT, AND THE ALLOCATION TO THE GENERAL FUND SHALL BE DECREASED BY THIRTY-FOUR ONE-HUNDREDTHS OF A PERCENTAGE POINT, PURSUANT TO HOUSE BILL 00-1259, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY. THE MODIFICATIONS TO THE ALLOCATION OF RECEIPTS MADE PURSUANT TO THIS SUB-SUBPARAGRAPH (A.5) SHALL BE IN ADDITION TO ANY OTHER MODIFICATIONS TO THE ALLOCATION OF SUCH RECEIPTS MADE BY LAW.".

Appropriations

After consideration on the merits, the committee recommends that HB00-1274 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 12, strike "C.R.S." and substitute "C.R.S., OR TO A QUALIFIED STATE TUITION PROGRAM ESTABLISHED AND MAINTAINED PURSUANT TO SECTION 529 OF THE INTERNAL REVENUE CODE OR ANY SUCCESSOR SECTION.".

Appropriations

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1033

Appropriations

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1261

Appropriations

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1419

Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1067</u>	1 2 3 4 5 6
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1263</u>	7 8 9 10 11 12
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1111</u>	13 14 15 16 17 18
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1042</u>	19 20 21 22 23 24
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1393</u>	25 26 27 28 29
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1232</u>	30 31 32 33 34
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1280</u>	35 36 37 38 39
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1337</u>	40 41 42 43 44
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1174</u>	45 46 47 48 49
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1166</u>	50 51 52 53 54
Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1158</u>	55 56 57 58 59
Appropriations	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-104</u>	60 61 62 63 64 65
Appropriations	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-149</u>	66 67 68 69 70 71 72

INTRODUCTION OF BILLS

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

- SB 00-231 by Senator Teck; also Representative Tool--Concerning organization of school districts.  
State, Veterans, & Military Affairs
- HB 00-1043 by Representative Young; also Senator Chlouber--Concerning the continuing jurisdiction  
of the public utilities commission over telecommunications services that are not subject to  
traditional forms of economic regulation.  
Business Affairs & Labor  
Appropriations

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB00-1268

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REENGROSSED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB00-1268, concerning the assessment of  
property for property tax purposes, has met and reports that it has agreed upon the  
following:

1. That the Senate recede from its amendments made to the bill, as said amendments  
appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 2, strike lines 9 through 12 and substitute the following:

"THAT EMPLOYS EDUCATORS TRAINED IN PRESCHOOL THROUGH EIGHTH GRADE  
EDUCATIONAL INSTRUCTION AND IS LICENSED BY THE APPROPRIATE STATE AGENCY AND  
THAT IS NOT";

line 17, after "the", insert "WRITTEN";

line 19, strike "AT NO" and substitute "WITHIN SEVEN WORKING DAYS AFTER RECEIPT OF  
SAID REQUEST,";

strike line 20 and substitute the following:

"~~promptly~~ make available TO THE TAXPAYER OR AGENT THE DATA USED BY THE ASSESSOR  
IN DETERMINING THE ACTUAL VALUE OF ANY PROPERTY OWNED BY SUCH TAXPAYER. AT  
THE ASSESSOR'S ELECTION, THE ASSESSOR MAY";

line 21, strike "E-MAIL" and substitute "SEND BY ELECTRONIC TRANSMISSION";

strike line 22 and 23 and substitute the following:

"ELECTRONIC ADDRESS SUPPLIED BY SAID TAXPAYER OR AGENT ~~all of the~~ SUCH data. ~~used~~  
~~by the assessor in determining the actual value of any property owned by such taxpayer,";~~

line 24, strike "including but not" and substitute "~~including but not~~ SUCH DATA SHALL  
INCLUDE BUT SHALL NOT BE".

Page 3, line 1, after the period, add "UPON RECEIPT OF SUCH REQUEST, THE ASSESSOR  
SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH  
INFORMATION, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH  
INFORMATION. UPON PROVIDING SUCH INFORMATION, THE ASSESSOR MAY INCLUDE A BILL  
FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY  
MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR  
AGENT."

2. That, under the authority granted the committee to consider matters not at issue  
between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 2, after line 14, insert the following:

"SECTION 2. 39-1-103 (5) (a), Colorado Revised Statutes, is amended to read:

**39-1-103. Actual value determined - when.** (5) (a) All real and personal property shall be appraised and the actual value thereof for property tax purposes determined by the assessor of the county wherein such property is located. The actual value of such property, other than agricultural lands exclusive of building improvements thereon and other than residential real property and other than producing mines and lands or leaseholds producing oil or gas, shall be that value determined by appropriate consideration of the cost approach, the market approach, and the income approach to appraisal. The assessor shall consider and document all elements of such approaches that are applicable prior to a determination of actual value. Despite any orders of the state board of equalization, no assessor shall arbitrarily increase the valuations for assessment of all parcels represented within the abstract of a county or within a class or subclass of parcels on that abstract by a common multiple in response to the order of said board. If an assessor is required, pursuant to the order of said board, to increase or decrease valuations for assessment, such changes shall be made only upon individual valuations for assessment of each and every parcel, using each of the approaches to appraisal specified in this paragraph (a), if applicable. The actual value of agricultural lands, exclusive of building improvements thereon, shall be determined by consideration of the earning or productive capacity of such lands during a reasonable period of time, capitalized at a rate of thirteen percent. Land that is valued as agricultural and that becomes subject to a perpetual conservation easement shall continue to be valued as agricultural notwithstanding its dedication for conservation purposes; except that, if any portion of such land is actually used for nonagricultural commercial or residential purposes, that portion shall be valued according to such use. The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal. A GROSS RENT MULTIPLIER MAY BE CONSIDERED AS A UNIT OF COMPARISON WITHIN THE MARKET APPROACH TO APPRAISAL. The valuation for assessment of producing mines and of lands or leaseholds producing oil or gas shall be determined pursuant to articles 6 and 7 of this title."

Renumber succeeding sections accordingly.

Page 5, strike lines 6 through 13 and substitute the following:

"not subject to review. IF A REFEREE HEARD THE CASE, THE BOARD SHALL, AT THE WRITTEN REQUEST OF ANY TAXPAYER OR ANY AGENT OF SUCH TAXPAYER WITHIN SEVEN WORKING DAYS AFTER RECEIPT OF SAID REQUEST, MAKE AVAILABLE TO THE TAXPAYER OR AGENT THE REFEREE'S FINDINGS AND RECOMMENDATIONS. AT THE BOARD'S ELECTION, THE BOARD MAY EITHER MAIL, FAX, OR SEND BY ELECTRONIC TRANSMISSION SUCH FINDINGS AND RECOMMENDATIONS TO THE ADDRESS, PHONE NUMBER, OR ELECTRONIC ADDRESS SUPPLIED BY SAID TAXPAYER OR AGENT. UPON RECEIPT OF SUCH REQUEST, THE BOARD SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH FINDINGS AND RECOMMENDATIONS, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH FINDINGS AND RECOMMENDATIONS. UPON PROVIDING SUCH FINDINGS AND RECOMMENDATIONS, THE BOARD MAY INCLUDE A BILL FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR AGENT.

(3) AT THE WRITTEN REQUEST OF ANY TAXPAYER OR ANY AGENT OF SUCH TAXPAYER AND SUBJECT TO SUCH CONFIDENTIALITY REQUIREMENTS AS PROVIDED BY LAW, the assessor ~~upon request~~, shall, WITHIN THREE WORKING DAYS AFTER RECEIPT OF SAID REQUEST, make available to the TAXPAYER OR AGENT THE DATA USED BY THE ASSESSOR IN DETERMINING THE ACTUAL VALUE OF ANY PROPERTY OWNED BY SUCH TAXPAYER. AT THE ASSESSOR'S ELECTION, THE ASSESSOR MAY EITHER MAIL, FAX, OR SEND BY ELECTRONIC TRANSMISSION TO THE ADDRESS, PHONE NUMBER, OR ELECTRONIC ADDRESS SUPPLIED BY SAID taxpayer ~~two working days prior to any hearing all~~ OR AGENT SUCH data. ~~supporting the assessor's valuation.~~ SUCH DATA SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE DATA DERIVED FROM THE DECLARATIONS FILED PURSUANT TO THE PROVISIONS OF ARTICLE 14 OF THIS TITLE AND CONFIDENTIAL DATA, PROVIDED THAT SUCH CONFIDENTIAL DATA SHALL BE PRESENTED IN SUCH A MANNER THAT THE SOURCE CANNOT BE IDENTIFIED. UPON RECEIPT OF SUCH REQUEST, THE ASSESSOR SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH INFORMATION, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH INFORMATION. UPON PROVIDING SUCH INFORMATION, THE ASSESSOR MAY INCLUDE A BILL FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR AGENT."

Respectfully submitted,

House Committee:	Senate Committee:
(Signed)	(Signed)
Rep. Scott D. McKay, Chairman	Sen. R. J. Teck, Chairman
Rep. Russell George	Sen. Terry L. Phillips
Rep. Carl Miller	Sen. Jim Congrove

SENATE SERVICES REPORT

Senate Services	To the Governor for signature on Monday, April 24, 2000, at 1:43 pm: SB 00-069, 087, 190.
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MESSAGE FROM THE HOUSE

April 24, 2000

Mr. President:

The House has postponed indefinitely SB00-076. The bill is returned herewith.  
The House has postponed indefinitely SB00-115. The bill is returned herewith.  
The House has postponed indefinitely SB00-147. The bill is returned herewith.

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor	The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:
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HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2000:

Dr. John W. Daily of Boulder, Colorado, to serve as a representative of the academic community and as an Unaffiliated, continued;

Brenda K. Marriott of Arvada, Colorado, to serve as a representative of the regulated community and as a Republican, appointed;

Lauren E. Evans of Lakewood, Colorado, to serve as a member of the public and as a Republican, appointed;

Norman W. Higley of Parker, Colorado, to serve as a representative of industry and as a Republican, continued.

Business Affairs and Labor	The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:
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BOARD OF REAL ESTATE APPRAISERS

for a term expiring July 1, 2000:

Arthur V. Gallegos of Colorado Springs, Colorado, to serve as a public member and a Republican and to replace Thomas Evans who resigned.

State,            The Committee on State, Veterans, and Military Affairs has had under consideration and has  
Veterans,       had a hearing on the following appointment and recommends that the appointment be  
and Military     confirmed:  
Affairs

COLORADO  
CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2004:

James R. Sullivan of Larkspur, Colorado, to serve as a representative of local government and  
as a Republican, appointed;

State,            After consideration on the merits, the committee recommends that the following be  
Veterans,       referred favorably to the Committee on Appropriations: HB00-1215  
and Military  
Affairs

Approp-        After consideration on the merits, the committee recommends that HB00-1317 be  
riations        amended as follows and, as so amended, be referred favorably to the Committee of the Whole  
with favorable recommendation:

Amend reengrossed bill, page 23, line 14, strike "sixty-five" and  
substitute "sixty-six";

line 15, strike "one hundred one dollars (\$365,101)" and substitute "four  
hundred seventy-six dollars (\$366,476)";

line 19, strike "thirty-two" and substitute "thirty-three";

line 20, strike "six hundred nine dollars (\$232,609)" and substitute "nine  
hundred eighty-four dollars (\$233,984)".

Page 24, line 5, strike "sixty-five" and substitute "sixty-six";

strike line 6 and substitute "thousand four hundred seventy-six dollars  
(\$366,476).";

strike line 9 and substitute the following:

"hundred sixty-six thousand four hundred seventy-six dollars (\$366,476).

(3) Notwithstanding the provisions of subsections (1) and (2) of  
this section, if House Bill 00-1166 is enacted at the second regular  
session of the sixty-second general assembly, the amount allocated to the  
Colorado bureau of investigation pursuant to subsection (1) of this section  
shall be reduced by one hundred forty-eight thousand dollars (\$148,000),  
resulting in an allocation of eighty-five thousand nine hundred eighty-  
four dollars (\$85,984) to the Colorado bureau of investigation. Further,  
there shall be a corresponding reduction of one hundred forty-eight  
thousand dollars (\$148,000) in the total amount appropriated pursuant to  
subsection (1) of this section and the adjustments to the general  
appropriations act made pursuant to subsection (2) of this section,  
resulting in a total appropriation of two hundred eighteen thousand four  
hundred seventy-six dollars (\$218,476) and an adjustment of one hundred  
forty-eight thousand dollars (\$148,000).".

Approp-        After consideration on the merits, the committee recommends that HB00-1389 be  
riations        amended as follows and, as so amended, be referred favorably to the Committee of the  
Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 1, strike "CHILDREN." and substitute  
"CHILDREN AND THAT THE ANNUAL EXPENDITURE PER CHILD SHALL BE  
LIMITED TO NO MORE THAN TWENTY-FIVE THOUSAND DOLLARS PER  
CHILD.".



	Page 5, line 21, strike "services" and substitute "programs".	1
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	Page 6, line 1, strike "services" and substitute "programs".	3
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Appropriations	After consideration on the merits, the committee recommends that <u>HB00-1107</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	7
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	Amend the Judiciary Committee Report (HB 1107_C.002), dated April 19, 2000, page 6, line 22, strike "THREE HUNDRED EIGHTY-THREE" and substitute "THREE HUNDRED TWENTY-SIX THOUSAND THIRTY-TWO DOLLARS (\$326,032).";	11
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	strike line 23;	15
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	line 33, strike "SIXTY-ONE THOUSAND NINE HUNDRED" and substitute "FIFTY THOUSAND THREE HUNDRED SIXTY-FOUR DOLLARS (\$50,364).".	17
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	Page 7, strike line 1;	21
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	line 21, strike "2002 2004," and substitute "2002,".	23
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	Page 8, strike line 16 and substitute "THREE HUNDRED TWENTY-SIX THOUSAND THIRTY-TWO";	25
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	line 26, strike "SIXTY-ONE THOUSAND NINE HUNDRED" and substitute "FIFTY THOUSAND THREE HUNDRED SIXTY-FOUR";	28
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	line 27, strike "FORTY-ONE".	31
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1350</u>	35
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1371</u>	40
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1072</u>	45
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1133</u>	50
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1429</u>	56
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1355</u>	62
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Appropriations	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1100</u>	67
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AppropriationsAfter consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1063

AppropriationsAfter consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1246

AppropriationsAfter consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1134

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB00-1336

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB00-1336, concerning access to adoption records, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.
2. That, under the authority granted to the committee to consider matters not at issue between the two houses, the following amendment is recommended:

Amend rerevised bill, page 15, after line 8, insert the following:

"SECTION 6. 19-5-103 (2) (g), Colorado Revised Statutes, is amended to read:

**19-5-103. Relinquishment procedure - petition - hearings.** (2) The counseling specified in paragraph (a) of subsection (1) of this section and provided by the department or the child placement agency shall include, but not be limited to, the following:

(g) The confidentiality of all information, except for nonidentifying information as defined in section 19-1-103 (80) that may be accessed as provided in part 4 of this article, obtained by the department and the child placement agency in the course of relinquishment counseling unless the parent provides written permission or a release of information is ordered by a court of competent jurisdiction. THE COUNSELING SHALL ALSO INCLUDE NOTICE THAT A BIRTH PARENT HAS THE OPPORTUNITY TO FILE A WRITTEN STATEMENT SPECIFYING THAT THE BIRTH PARENT’S INFORMATION REMAIN CONFIDENTIAL AND AN EXPLANATION OF THE RIGHTS AND RESPONSIBILITIES OF BIRTH PARENTS WHO DISAGREE ABOUT CONSENT AS SET FORTH IN SECTION 19-5-305 (2).".

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:Senate Committee:  
(Signed)(Signed)  
Rep. Lynn Hefley, ChairmanSen. Jim Congrove, Chairman  
Rep. Fran ColemanSen. John Evans  
Rep. Richard DeckerSen. Doug Linkhart

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The President has signed: HB00-1159, 1283, 1284.

**INTRODUCTION OF BILL**

The following bill was read by title and referred to the committee indicated:

SB 00-232 by Senator Lacy--Concerning limitations on penalties imposed for the alleged sale of alcohol beverages to any person under twenty-one years of age.  
Judiciary

**MESSAGE FROM THE GOVERNOR**

Appoint- A letter of designation and appointment from Governor Owens was read and assigned to  
ment Committee as follows:

April 12, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

ORDERED:

That the following named person be and is hereby appointed to the:

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

for a term serving at the pleasure of the Governor:

John E. Swartout of Highlands Ranch, Colorado to serve as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor  
Rec'd 4/18/00  
P. Dicks, Secretary

Committee on Health, Environment, Welfare and Institutions

**MESSAGE FROM THE GOVERNOR**

April 24, 2000

To the Honorable Senate  
Sixty-second General Assembly  
Second Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

S. B. 00 - 106 - Concerning The Elimination Of Requirements For Approval By The Commissioner Of Insurance For Certain Types Of Insurance.

Approved April 24, 2000 at 11:22 a.m.

Sincerely,  
(Signed)  
Bill Owens  
Governor  
Rec'd 4/24/00  
P. Dicks, Secretary

TRIBUTES--A POINT OF INTEREST

Honoring CLEANIT by Senator Linkhart and Senator Pascoe

Honoring Overland Neighborhood Environmental Watch by Senator Linkhart and Senator Pascoe

Honoring Overland Neighborhood Association by Senator Linkhart and Senator Pascoe

Honoring West University Community Association by Senator Linkhart and Senator Pascoe

Honoring Creede Repertory Theatre by Senator Dennis

Honoring City of Grand Junction by Senator Teck and Representatives Smith and Berry

Honoring Larimer County Recycling Center by Senators Matsunaka and Reeves and Representatives Kaufman, Johnson, Bacon and Tool

Honoring Lydia Bennion by Senator Arnold

Honoring Aleisha Lyons by Senator Arnold

Honoring Kendra Callahan by Senator Arnold

Honoring Zachery Davis by Senator Arnold

Honoring Emily Broyles by Senator Arnold

Honoring Courtney Schlichting by Senator Arnold

Honoring Kalen Acquisto by Senator Arnold

Honoring Norma Raupach by Senator Arnold

Honoring Dthia Kalkwarf by Senator Arnold

Honoring Jeffrey Gonzales by Senator Arnold

Honoring Justin Clark by Senator Arnold

Honoring Allison Carter by Senator Arnold

Honoring Rob Arenson by Senator Arnold

Honoring Beth Ratay by Senator Arnold

Honoring Patrick Wessels by Senator Arnold

Honoring Kyle Jones by Senator Arnold

JOURNAL CORRECTION

Amend Senate Journal, April 19, page 1061, strike lines 65 through 70 and substitute the following:

"Page 2, strike line 1;  
strike lines 15 through 19.  
Page 3, strike lines 5 through 7."

JOURNAL CORRECTION

Amend Senate Journal, April 19, page 1078, line 27, strike "160.", and substitute "106."

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Tuesday, April 25, 2000.

Approved:  
  
Ray Powers  
President of the Senate

Attest:  
  
Patricia K. Dicks  
Secretary of the Senate

