

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

43rd Legislative Day

Wednesday, February 16, 2000

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

Prayer By the chaplain, Dr. Gilbert Caldwell, Park Hill Methodist Church, Denver.

Roll Call Present--Total, 31.
Absent/Excused--Congrove, Lacy, Phillips, Wham--Total, 4.
Present later--Congrove, Lacy, Phillips, Wham.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Musgrave, reading of the Journal of Tuesday, February 15 th was dispensed with and the Journal stands approved as corrected by the Secretary.
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SENATE SERVICES REPORT

Senate
Services

Correctly printed: SJR 00-005; SM 00-001.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB00-093, SB00-011, SB00-078, SB00-028, SB00-096 were made Special Orders at 9:13 a.m.

Committee of the Whole	The hour of 9:13 a.m. having arrived, Senator Epps moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Epps was called to the Chair to act as Chairman.
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SPECIAL ORDERS--SECOND READING OF BILLS--9:13 A.M.

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

SB 00-093 by Sen. Nichol; Rep. Paschall--Notify Secured Lenders Of Tow Liens

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, February 4, pages 216-217.)

Amendment No. 2, by Senator Nichol

Amend the committee amendment, as printed in the Senate Journal, February 4, page 217, strike lines 20 through 31 and substitute the following:

"42-4-1805. Abandonment of motor vehicles - private tow. (4) Upon its receipt of such report, the department shall search its records, the records of the issuing state if the vehicle is not registered in Colorado, or make other inquiries to ascertain, if possible, the last-known owner of record of the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the

~~vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days of such receipt, the department shall complete its search and shall transmit such report, together with all relevant information thereon, to the operator."~~

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

SB 00-011 by Sen. Lamborn; Rep. Gotlieb--MVD Licenses And ID Cards

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, February 11, pages 271-277.)

Amendment No. 2, by Senator Lamborn

Amend the committee amendment, as printed in Senate Journal, February 11, page 276, line 63, strike "3." and substitute "(C) ON".

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

SB 00-078 by Sen. Arnold; Rep. Mitchell--Broomfield In The17th Jud Dist

Amendment No. 1, Judiciary Committee Amendment
(Printed in Senate Journal, February 7, page 223.)

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

SB 00-028 by Sen. Wham; Rep. Kaufman--Jury Impose Death Penalty

Laid over until the General Orders calendar of Monday, February 21, retaining first place on the calendar.

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

Laid over until the General Orders calendar of Monday, February 21, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Epps, 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:

SB00-093, as amended; SB00-011, as amended; SB00-078 as amended, declared passed on Second Reading.

SB00-028 laid over until the General Orders calendar of Monday, February 21, retaining first place on the calendar.

SB00-096 laid over until the General Orders calendar of Monday, February 21, retaining its place on the calendar.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders calendar of Wednesday, February 16, was laid over until Thursday, February 17, 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 00-074 by Sen. Lacy; Rep. Tool--Tobacco Settlement Defense Account

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

YES	35	NO	0	EXCUSED	0	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	Y	Perlmutter	Y	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	Y		

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

Co-sponsor added: Tebedo.

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 Governor's appointment.

CONSIDERATION OF GOVERNOR'S APPOINTMENT

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

MEMBER
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2003:

Lena A. Elliott of Grand Junction, Colorado, to serve as a representative of the Third Congressional District and as a Republican, appointed.

YES	35	NO	0	EXCUSED	0	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	Y	Perlmutter	Y	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	Y		

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that SB00-189 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 2, strike "Repeal.";
- line 3, strike "repealed as follows:" and substitute "amended to read:";
- strike lines 5 through 10, and substitute the following:

"(4) (h) Any witness summoned to testify before a grand jury, or an attorney for such witness with the witness's written approval, shall be entitled, prior to testifying, to examine and copy at the witness's expense any statement in the possession of the prosecuting attorney or the grand jury which such witness has made UNDER AN OATH REQUIRED BY LAW that relates to the subject matter under inquiry by the grand jury. If a witness is proceeding in forma pauperis, he shall be furnished, upon request, a copy of such transcript and shall not pay a fee."

Page 2, strike lines 1 and 2.

Judiciary

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1216

Finance

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1059

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB 00-011, 078, 093.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that HB00-1194 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 12, strike "SEVEN THOUSAND FIVE HUNDRED" and substitute "FIVE THOUSAND";

line 14, strike "THREE" and substitute "TWO";

line 17, strike "TWO HUNDRED FIFTY";

line 19, strike "TWO HUNDRED FIFTY".

Page 4, line 4, strike "A POLITICAL";

strike lines 5 through 11;

line 14, strike "STATES" and substitute "STATES, FROM A FOREIGN GOVERNMENT,";

after line 17, insert the following:

"(c) NO POLITICAL PARTY SHALL ACCEPT CONTRIBUTIONS THAT ARE INTENDED, OR IN ANY WAY DESIGNATED, TO BE PASSED THROUGH THE PARTY TO A SPECIFIC STATE CANDIDATE'S CANDIDATE COMMITTEE."

Page 5, line 5, strike "No" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (4), NO";

after line 9, insert the following:

"(c) NO CANDIDATE COMMITTEE FOR A STATE CANDIDATE SHALL ACCEPT A CONTRIBUTION OR CONTRIBUTION IN KIND FROM A CANDIDATE COMMITTEE OF THE SAME CANDIDATE THAT WAS ESTABLISHED FOR A PUBLIC OFFICE OTHER THAN THE STATE OFFICE. AS USED IN THIS PARAGRAPH (c), "STATE OFFICE" MEANS ANY OFFICE DESCRIBED IN SECTION 1-45-104 (13).";

strike lines 25 and 26.

Page 6, strike lines 1 and 2.

Page 12, strike line 9 and substitute the following:

"LIMITATIONS SET FORTH IN SECTION 1-45-105.3 (4) (b) AND (c), IF THE CANDIDATE";

after line 20, insert the following:

"(III) A CANDIDATE COMMITTEE FOR A FORMER OFFICEHOLDER OR A PERSON NOT ELECTED TO OFFICE SHALL EXPEND ALL OF THE UNEXPENDED CAMPAIGN CONTRIBUTIONS RETAINED BY SUCH CANDIDATE COMMITTEE, FOR THE PURPOSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, NO LATER THAN FIVE YEARS FROM THE DATE SUCH OFFICEHOLDER'S TERM EXPIRED OR FROM THE DATE OF THE ELECTION AT WHICH SUCH PERSON WAS A CANDIDATE FOR OFFICE, WHICHEVER IS LATER.".

Page 13, strike lines 8 through 19 and substitute the following:

"(B) On the first day of each month beginning the sixth full month before the major election; and

(C) Fourteen days before and thirty days after the major election in election years; and".

Reletter succeeding sub-subparagraph accordingly.

Page 18, strike lines 11 through 14 and substitute the following:

"violation. The secretary of state shall ~~hold a hearing on~~ REFER the complaint ~~before~~ TO an administrative law judge. ~~within fifteen days of the filing of the complaint. A decision of the administrative law judge shall be issued and made public within ten days of the hearing.~~ THE PERSON FILING THE COMPLAINT SHALL BEAR THE BURDEN OF PROOF. If the administrative law";

line 21, after the period, insert "THE DECISION MAY BE ENFORCED BY THE SECRETARY OF STATE OR BY THE PERSON FILING THE COMPLAINT.".

Page 20, after line 11, insert the following:

"SECTION 9. 1-45-114, Colorado Revised Statutes, is amended to read:

1-45-114. Expenditures - political advertising - rates and charges. (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.

(2) ANY RADIO OR TELEVISION STATION, NEWSPAPER, OR PERIODICAL THAT CHARGES A CANDIDATE COMMITTEE A LOWER RATE FOR USE OF SPACE, MATERIALS, OR SERVICES THAN THE RATE SUCH STATION, NEWSPAPER, PERIODICAL, OR SUPPLIER CHARGES ANOTHER CANDIDATE COMMITTEE FOR THE SAME PUBLIC OFFICE FOR COMPARABLE USE OF SPACE, MATERIALS, OR SERVICES SHALL REPORT THE DIFFERENCE IN SUCH RATE AS A CONTRIBUTION IN KIND TO THE CANDIDATE COMMITTEE THAT IS CHARGED SUCH LOWER RATE PURSUANT TO SECTION 1-45-108.

(3) Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and

agency fees if such adjustments are offered consistently to other advertisers.".

Renumber succeeding sections accordingly.

Health, After consideration on the merits, the committee recommends that the following be
Environment, referred favorably to the Committee of the Whole: HB00-1073
Welfare and
Institutions

Health, After consideration on the merits, the committee recommends that the following be
Environment, referred favorably to the Committee of the Whole: HB00-1075
Welfare and
Institutions

State, After consideration on the merits, the committee recommends that the following be
Veterans, referred to the Senate for final action: SJR00-005
and Military
Affairs

MESSAGE FROM THE HOUSE

February 16, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB00-1164,1175,1225,1234,1264,1286,1307,1321.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB00-1011, amended as printed in House Journal, January 24, pages 173-174.
HB00-1012, amended as printed in House Journal, February 15, pages 507-508.
HB00-1020, amended as printed in House Journal, February 15, page 509.
HB00-1047, amended as printed in House Journal, February 15, page 507.
HB00-1099, amended as printed in House Journal, February 15, page 507.
HB00-1124, amended as printed in House Journal, February 15, page 505.
HB00-1144, amended as printed in House Journal, February 15, pages 503-504.
HB00-1212, amended as printed in House Journal, February 15, pages 507-508.
HB00-1229, amended as printed in House Journal, February 15, page 504.
HB00-1239, amended as printed in House Journal, February 15, pages 509-510.
and on Third reading as printed in House Journal February 16, pages 541-543.
HB00-1267, amended as printed in House Journal, February 15, pages 511-512.
HB00-1283, amended as printed in House Journal, February 15, page 513.
HB00-1310, amended as printed in House Journal, February 15, pages 512-513.
HCR1001, amended as printed in House Journal, February 15, page 508.

MESSAGE FROM THE REVISOR

February 16, 2000

We herewith transmit:

without comment, HB00-1164, 1175, 1225, 1234, 1264, 1286, 1307 and 1321, and;
without comment, as amended, HB00-1011, 1012, 1020, 1047, 1099, 1124, 1212, 1239,
1267, 1283, 1310 and HCR 1001, and;
with comment, as amended, HB00-1144 and 1229.

TRIBUTES--A POINT OF INTEREST

- Honoring Coach Vin Mizer by Senator Mark Hillman
- Honoring Dusty Lotrich by Senator Hillman
- Honoring Lisa Gager by Senator Hillman
- Honoring Melissa Fountain by Senator Hillman
- Honoring Tennille Walter by Senator Hillman
- Honoring Mindy Anderson by Senator Hillman
- Honoring Cari Jensen by Senator Hillman
- Honoring Kris Jensen by Senator Hillman
- Honoring Ria Mason by Senator Hillman
- Honoring Abby Flanscha by Senator Hillman
- Honoring Tressie Knowlton by Senator Hillman
- Honoring Cindy Bates by Senator Hillman
- Honoring Nikki Gager by Senator Hillman
- Honoring Blair Sharon by Senator Hillman
- Honoring Tana Fellhauer by Senator Hillman
- Honoring Darcey Bonds by Senator Hillman
- Honoring Kenny Kemp by Senator Hillman
- Honoring Caleb Lowe by Senator Hillman
- Honoring Eric Palmer by Senator Hillman
- Honoring Kyle J. Williams by Senator Hillman
- Honoring Trevor Cornelius by Senator Hillman

JOURNAL CORRECTION

Amend Senate Journal, February 15, page 323, strike line 25 and substitute the following:
"Local Government".

On motion of Senator Epps, the Senate adjourned until 8:00 a.m., Thursday,
February 17, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate