

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

90th Legislative DayMonday, April 3, 2000

Call to Order	By the President at 10:00 a.m.
Prayer	By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral, Denver.
Roll Call	Present--Total, 30. Absent/Excused--Lacy, Musgrave, Tanner, Tebedo, Thiebaut--Total, 5. Present later--Lacy, Tanner, Tebedo.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Dyer, reading of the Journal of Friday, March 31 st was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services	To the governor for signature on Monday, April 3, 2000, at 8:50 am: SB 00-186.
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MESSAGE FROM THE HOUSE

March 31, 2000

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Taylor, chairman, Spradley, and Miller as House conferees on the First Conference Committee on SB00-132.

MESSAGE FROM THE REVISOR

March 31, 2000

We herewith transmit:

without comment, as amended, SB00-069 and 195.

MESSAGE FROM THE GOVERNOR

March 31, 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 Acts:

SB 00 - 039 - Concerning Authorization For The Use Of Moneys In the Special Building And Technology Fund To Purchase Building Security Technology.

Approved March 31, 2000 at 10:17 a.m.

SB 00 - 078 - Concerning The Assignment Of The City And County Of Broomfield To A Judicial District.

Approved March 30, 2000 at 4:42 p.m.

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 3/31/00
P. Dicks, Secretary

INTRODUCTION OF BILL

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

SB00-213

By Senators Wattenberg, Anderson, Andrews, Hillman, Owen, Powers, and Tebedo; also Representatives Berry, May, Alexander, Allen, Dean, Hoppe, Johnson, King, Lawrence, McKay, Miller, Mitchell, Paschall, Pfiffner, Smith, Swenson, Williams T., and Young-- Concerning the reclassification of state agencies as type 2 agencies for purposes of the "Administrative Organization Act of 1968".
State, Veterans, & Military Affairs

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1029, 1122, 1234.

Senate in recess.

Senate reconvened.

Call of Senate

Call of Senate.
Call Raised.

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

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB00-1159 was made Special Orders at 11:00 a.m.

Committee of the Whole

The hour of 11:00 a.m. having arrived, Senator Evans moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Evans was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILL--11:00 A. M.

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

HB 00-1159 by Rep. Allen; Senator Anderson--School Finance

Amendment No. 1, Education Committee Amendment
(Printed in Senate Journal, March 3, page 477.)

Amendment No. 2, Appropriations Committee Amendment
(Printed in Senate Journal, March 27, pages 758-759.)

Amendment No. 3, by Senators Anderson and Reeves

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 27, page 758, strike line 71 and substitute the following:

"Amend reengrossed bill, page 2, line 26, strike "\$136" and substitute "\$123.70".

Page 9, strike lines 25 and 26 and substitute the following:

"out of any moneys in the state public school fund created in section 22-54-114, Colorado Revised Statutes, not otherwise appropriated, to the department of education, public school finance, for the state share of districts' total program funding, for the fiscal year beginning July 1, 2000, the sum of eight million nine hundred sixty-three thousand eight hundred thirty-two dollars (\$8,963,832), or so much thereof as may be necessary, for the implementation of this act.".

Amendment No. 4, by Senator Anderson

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 27, page 758, strike line 71 and substitute the following:

"Amend reengrossed bill, page 9, after line 22, insert the following:

"SECTION 9. 24-75-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-102. Appropriations expended, when - balance. (3) ANY MONEYS APPROPRIATED TO ALL DEPARTMENTS OF STATE GOVERNMENT FOR THE 1999-2000 FISCAL YEAR THAT WOULD OTHERWISE REVERT TO THE GENERAL FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S.; EXCEPT THAT THE AMOUNT TRANSFERRED SHALL NOT EXCEED TWO MILLION DOLLARS. THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2000."

Renumber succeeding sections accordingly."

Amendment No. 5, by Senator Anderson

Amend reengrossed bill, page 2, line 15, strike "1998-99";

strike lines 16 through 20 and substitute the following:

" PRIOR BUDGET YEAR OR THE SIZE FACTOR USED IN THE CALCULATION FOR THE APPLICABLE BUDGET YEAR, WHICHEVER IS LESS, AND THE AT-RISK FACTOR CALCULATED FOR THE DISTRICT USING A BASE AT-RISK FACTOR OF ELEVEN AND ONE-HALF PERCENT."

Amendment No. 6, by Senator Anderson

Amend reengrossed bill, page 6, after line 26, insert the following:

"**SECTION 6.** 22-54-104 (5) (f), Colorado Revised Statutes, is amended to read:

22-54-104. District total program - repeal. (5) For purposes of the formulas used in this section:

(f) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine BUT NOT IN EXCESS OF FIFTY THOUSAND, the district's at-risk factor shall be 11.5% plus a 0.30 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%.

(II) IF THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AND THE DISTRICT'S FUNDED PUPIL COUNT IS GREATER THAN FIFTY THOUSAND, THE DISTRICT'S AT-RISK FACTOR SHALL BE 11.5% PLUS A 0.34 PERCENTAGE POINT FOR EACH PERCENTAGE POINT THAT THE DISTRICT PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS; EXCEPT THAT NO DISTRICT'S AT-RISK FACTOR SHALL EXCEED 30%."

Renumber succeeding sections accordingly.

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

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB 00-1159 by Rep. Allen; Senator Anderson--School Finance

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that the following Linkhart floor amendment to HB00-1159, as amended, did pass:

Amend reengrossed bill, page 10, after line 7, insert the following:

"(2) In addition to any other appropriation, there is hereby appropriated, out of any money in the general fund not otherwise appropriated, to the department of education, public school finance, for the state share of districts' total program funding, for the fiscal year beginning July 1, 2000, the sum of eleven million dollars (\$11,000,000), or so much thereof as may be necessary."

Renumber succeeding subsections accordingly.

Page 11, after line 4, insert the following:

"SECTION 10. Appropriation - adjustments to the 1999 long bill. (1) For implementation of this act, appropriations made in Part VII of section 2 of chapter 364, Session Laws of Colorado 1999, shall be adjusted as follows:

(a) The appropriation to the department of human services, division of self-sufficiency, for the short-term works emergency fund, shall be reduced by eleven million dollars (\$11,000,000). Said sum shall be from federal temporary assistance for needy families block grant funds.

(b) The appropriation to the department of human services, division of children, youth and families, for child welfare services, shall be amended as follows:

- (I) The appropriation from the general fund shall be reduced by eleven million dollars (\$11,000,000).
- (II) The appropriation from federal funds shall be increased by eleven million dollars (\$11,000,000). Said sum shall be from federal temporary assistance for needy families block grant funds that have been transferred to programs funded by Title XX of the federal Social Security Act, as authorized under federal law."

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

YES13		NO20		EXCUSED2		ABSENT0	
Anderson	N	Evans	N	Musgrave	E	Tanner	N
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	E
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	Sullivan	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

HB00-1159, 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 Monday, April 3, was laid over until Tuesday, April 4, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly revised: HB 00-1159.

COMMITTEE OF REFERENCE REPORTS

Approp-
riations

After consideration on the merits, the committee recommends that SB00-085 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 9, line 15, after "LIBRARIAN", insert "FOR PURPOSES OF THIS PART 4".

Page 10, line 14, strike "for" and substitute "to";

line 17, strike "(\$2,000,000)." and substitute "(\$2,000,000), to be used for purposes consistent with the creation of the fund.";

strike lines 19 through 26 and substitute the following:

"appropriated, out of the state grants to publicly-supported libraries fund

	created in section 24-90-407, Colorado Revised Statutes, to the department of education, for the fiscal year beginning July 1, 2000, the sum of two million dollars (\$2,000,000) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, no more than 2.5 percent shall be expended".	1 2 3 4 5 6 7 8
Appropriations	After consideration on the merits, the committee recommends that <u>SB00-163</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	9 10 11 12
	Amend printed bill, page 4, after line 5, insert the following:	13 14
	" SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the drug offender surcharge fund, created in section 18-19-103, Colorado Revised Statutes, not otherwise appropriated, for the fiscal year beginning July 1, 2000, the sum of six hundred sixty-eight thousand six hundred fourteen dollars (\$668,614) and 6.9 FTE, or so much thereof as may be necessary, for the implementation of this act. Of such sum, five hundred ninety-four thousand seven hundred one dollars (\$594,701) and 5.3 FTE, or so much thereof as may be necessary, is appropriated to the judicial department, and seventy-three thousand nine hundred fourteen dollars (\$73,913) and 1.6 FTE, or so much thereof as may be necessary, is appropriated to the public defender."	15 16 17 18 19 20 21 22 23 24 25 26
	Renumber succeeding section accordingly.	27 28
	Page 1, line 101, strike "OFFENDERS." and substitute "OFFENDERS, AND MAKING AN APPROPRIATION THEREFOR."	29 30 31 32 33 34 35
Appropriations	After consideration on the merits, the committee recommends that <u>SB00-007</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	36 37 38 39
	Amend printed bill, page 1, line 2, strike "Part 5 of article 15 of title 40," and substitute "Part 2 of article 37.5 of title 24,".	40 41 42
	Page 2, line 1, strike " 40-15-511. " and substitute " 24-37.5-206. " and, strike " council " and substitute " council. ";	43 44 45
	line 2, strike " - creation - composition - support. (1) (a)";	46 47
	line 3, strike "CREATED." and substitute "CREATED";	48 49
	strike lines 4 through 26 and substitute the following:	50 51
	"AS A SUBCOMMITTEE WITHIN THE COMMISSION ON INFORMATION MANAGEMENT CREATED IN SECTION 24-37.5-201.".	52 53 54
	Strike page 3.	55 56
	Page 4, strike lines 1 through 16;	57 58
	line 17, strike " 40-15-512. Duties of council. " and substitute " 24-37.5-207. Duties of the telecommunications and technologies council. ", and strike "STATE" and substitute "COMMISSION ON INFORMATION MANAGEMENT AND THE";	59 60 61 62 63
	line 19, strike "40-15-511," and substitute "25-37.5-206,".	64 65
	Page 5, line 1, after "THE", insert "COMMISSION ON INFORMATION MANAGEMENT AND THE", and strike "DEEMS" and substitute "DEEM";	66 67 68
	strike line 3;	69 70
	line 4, strike "SHALL NOT BE LIMITED TO," and substitute "(2) THE COMMISSION ON INFORMATION MANAGEMENT AND THE COUNCIL SHALL	71 72

ADDRESS AND ASSESS THE BEST METHODS TO ACHIEVE THE STATE
TELECOMMUNICATIONS GOALS OF";

line 5, strike "SERVICES," and substitute "SERVICES", and before "USE",
insert "THE";

line 8, before "COUNCIL", insert "COMMISSION ON INFORMATION
MANAGEMENT AND THE";

line 9, strike "THE STATUS" and substitute "AND ASSESS THE CURRENT
CONDITION";

line 10, strike "SERVICES;" and substitute "SERVICES AND
INFRASTRUCTURE;";

line 11, after "IDENTIFY", insert "AND MAP" and, after "OF", insert "PUBLIC
AND PRIVATE";

line 12, strike "STATE, BOTH" and substitute "STATE;";

strike line 13;

line 17, strike "DEVELOP A STATE" and substitute "CREATE A STATE
ACTION";

line 20, strike "DETERMINE HOW BEST" and substitute "RECOMMEND TO
THE GOVERNOR AND THE GENERAL ASSEMBLY THE BEST MEANS";

line 22, strike "INFRASTRUCTURE;" and substitute "INFRASTRUCTURE AND
PRIVATE DONATIONS, GRANTS, AND BEQUESTS DEDICATED TO DEVELOPING
AND MAINTAINING INFRASTRUCTURE;";

strike lines 23 through 25.

Renumber succeeding paragraphs accordingly.

line 26, strike "ANALYZE" and substitute "IDENTIFY AND ANALYZE" and,
strike "NATIONAL" and substitute "INTERNATIONAL, NATIONAL,".

Page 6, line 4, strike "LEGISLATURE" and substitute "GENERAL
ASSEMBLY";

strike line 6 and substitute the following:

"24-37.5-207 (2) AND IN ACCORDANCE WITH THE FOUR-YEAR STRATEGIC
PLAN DEVELOPED BY THE OFFICE OF INNOVATION AND TECHNOLOGY
PURSUANT TO SECTION 24-37.5-106 (1) (a).

SECTION 2. No Appropriation. The general assembly has
determined that this act can be implemented within existing
appropriations, and therefore no separate appropriation of state moneys
in necessary to carry out the purposes of this act.".

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE:

April 3, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
HB00-1246, amended as printed in House Journal, March 31, pages 1218-1219.
HB00-1033, amended as printed in House Journal, March 31, pages 1219-1220.
HB00-1042, amended as printed in House Journal, March 31, page 1220.
HB00-1426, amended as printed in House Journal, March 31, page 1222 .
SB00-154, amended as printed in House Journal, March 31, pages 1222-1223.

MESSAGE FROM THE REVISOR

April 3, 2000

We herewith transmit:

without comment, as amended, HB00-1033, 1042, 1246, 1426, and;
without comment, as amended, SB00-154.

INTRODUCTION OF BILLS

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

- HB

00-1033

by Representatives Tool and Kester; also Senators Anderson and Martinez--Concerning a continuing examination of the treatment of persons with mental illness who are involved in the criminal justice system, and making an appropriation therefor.
Judiciary
Appropriations
- HB

00-1042

by Representative Larson; also Senator Dyer--Concerning payments made by recipients of purple hearts for special license plates, and making an appropriation in connection therewith.
Transportation
Appropriations
- HB

00-1246

by Representative Tupa; also Senator Epps--Concerning safety standards for body art facilities.
State, Veterans, & Military Affairs
Appropriations
- HB

00-1426

by Representatives Hefley, Kaufman, Decker, Fairbank, McPherson, Mitchell, Spence, Swenson and Veiga; also Senator Evans--Concerning traffic laws governing restraints on drivers' licenses.
Transportation

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1047

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB00-1151

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 HB00-1151, concerning the issuance of professional educator licenses to persons holding educator licenses issued by other states, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 2, strike "FOUR" and substitute "THREE".

Respectfully submitted,

House Committee:	Senate Committee:	1
(Signed)	(Signed)	2
Rep. Dorothy Gotlieb, Chairman	Sen. John Evans, Chairman	3
Rep. Debbie Allen	Sen. John Andrews, Jr.	4
Rep. Ron Tupa	Sen. Jim Dyer	5
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TRIBUTES--A POINT OF INTEREST

Memorializing LeVert W. Hoag by Senator Dennis and Representatives Spradley and Lawrence	10
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Honoring Jack A. Weil by Senators Chlouber, Musgrave, Wattenberg, Dennis and Powers and Representatives Taylor, George, Young, Hoppe and Larsen	13
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Honoring Matt Bryan by Senator Musgrave	16
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Honoring Amber Northrup by Senator Musgrave	18
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Honoring Amy Johnson by Senator Musgrave	20
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Honoring Amber Whitlock by Senator Musgrave	22
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Honoring Stacey Bringelson by Senator Musgrave	24
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Honoring Jessica Mertens by Senator Musgrave	26
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Honoring Andi Whitlock by Senator Musgrave	28
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Honoring Mitchell Farnik by Senator Musgrave	30
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Honoring Tony Sweet by Senator Musgrave	32
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Honoring Lynelle Kugler by Senator Musgrave	34
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Honoring Sheila Mertens by Senator Musgrave	36
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Honoring Shane Gillespie by Senator Musgrave	38
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Honoring Kim Kilmer by Senator Musgrave	40
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On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Tuesday, April 4, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate