

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

59<sup>th</sup> Legislative Day Friday, March 3, 2000

- Call to Order By the President at 9:00 a.m.
- Prayer By the chaplain, Rabbi Gorden Rubenstein, Aurora.
- Roll Call Present--Total, 31.  
Absent/Excused--Congrove, Lacy, Tanner, Weddig--Total, 4.  
Present later--Congrove, Lacy, Tanner, Weddig.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Owen, reading of the Journal of Thursday, March 2nd was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 00-201.

SIGNING OF BILLS

The President has signed: SB00-053, 064, 073.

THIRD READING OF BILLS--FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB 00-1036 by Rep. Witwer; Senator Blickensderfer--Coroner Death Inquiries

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

YES	34	NO	0	EXCUSED	1	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	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	Sullivant	Y		

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

HB 00-1190 by Rep. Webster; Sen. Dennis--Increase Outstanding Bond Amount

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

YES	34	NO	0	EXCUSED	1	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	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	Sullivant	Y		

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

Co-sponsors added: Martinez, Perlmutter.

HB 00-1218 by Rep. Saliman; Senator Reeves--Mobile Home Owner Notification

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

YES	34	NO	0	EXCUSED	1	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	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	Sullivant	Y		

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

Co-sponsors added: Hernandez, Nichol, Rupert.

Committee of the Whole

On motion of Senator Owen, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Owen was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

HB 00-1243 by Rep. Lee; Sen. Teck--Parental Consent For Firearms For Minors

Amendment No. 1, by Senator Teck

Amend reengrossed bill, page 1, line 5, after "firearm", insert "other than a handgun".

Page 2, line 1, strike "THE CONSENT REQUIREMENT";

strike lines 2 through 7 and substitute the following:

"UNLAWFULLY PROVIDING A FIREARM OTHER THAN A HANDGUN TO".

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

SB 00-154 by Sen. Tebedo; Rep. McPherson--Defenses To Weapons Laws

Amendment No. 1, Judiciary Committee Amendment  
(Printed in Senate Journal, February 22, pages 384-385.)

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

SB 00-190 by Sen. Feeley; Rep. Kaufman--Methyl Tertiary Butyl Ether (MTBE)

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

HB 00-1292 by Rep. Kester; Sen. Hillman--Credit Insurance Truncated Coverage

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

HB 00-1266 by Rep. Berry; Senator Chlouber--Optional Premises Multiple Ownership

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

HB 00-1307 by Rep. Young; Senator Chlouber--Advisory Committee On River Outfitters

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

The following bills on the General Orders calendar of Friday, March 3, were laid over until Monday, March 6, retaining their place on the calendar:

HB00-1047, HB00-1267, HB00-1286, HB00-1216, HB00-1058, HB00-1038, HB00-1029, HB00-1151, HB00-1139, HB00-1108, HB00-1138, HB00-1268.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

SB 00-190 by Sen. Feeley; Rep. Kaufman--Methyl Tertiary Butyl Ether (MTBE)

Senator Tebedo moved to amend the Report of the Committee of the Whole to show that the Tebedo floor amendment, made to SB00-190, did pass:

Call of Senate.  
Call Raised.

The motion was LOST by the following roll call vote:

YES		15	NO		20	EXCUSED		0	ABSENT		0
Anderson	Y		Evans	Y		Musgrave	N		Tanner	N	
Andrews	Y		Feeley	N		Nichol	N		Tebedo	Y	
Arnold	Y		Hernandez	N		Owen	N		Teck	Y	
Blickensderfer	Y		Hillman	Y		Pascoe	N		Thiebaut	N	
Chlouber	Y		Lacy	Y		Perlmutter	N		Wattenberg	N	
Congrove	Y		Lamborn	Y		Phillips	N		Weddig	N	
Dennis	Y		Linkhart	N		Reeves	N		Wham	N	
Dyer	N		Martinez	N		Rupert	N		Mr. President	Y	
Epps	Y		Matsunaka	N		Sullivan	N				

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Owen, 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:

SB00-190, HB00-1292, HB00-1266, HB00-1307 declared passed on Second Reading. SB00-154, as amended; HB00-1243, as amended, declared passed on Second Reading. HB00-1047, HB00-1267, HB00-1286, HB00-1216, HB00-1058, HB00-1038, HB00-1029, HB00-1151, HB00-1139, HB00-1108, HB00-1138, HB00-1268 laid over until Monday, March 6, retaining their place on the calendar.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House amendments to Senate Bill00-183.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL

SB 00-183 by Sen. Feeley; Rep. McPherson--Colorado Institute Of Technology

Senator Feeley moved that the Senate not concur in House amendments to SB00-183, as printed in House Journal, February 24, pages 767-769, and that a Conference Committee be appointed.

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

The President appointed Senators Teck, Chairman, Arnold and Feeley as Senate Conferees on the First Conference Committee on SB00-183.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 3, was laid over until Monday, March 6, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the committee recommends that the following be portation referred favorably to the Committee of the Whole: HB00-1211

Trans- After consideration on the merits, the committee recommends that HB00-1012 be portation amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 3, line 8, after "DIRECT", insert "AND INDIRECT";  
strike lines 13 through 20.

Renumber succeeding section accordingly.

Trans- After consideration on the merits, the committee recommends that the following be portation referred favorably to the Committee on Appropriations: HB00-1164

State,  
Veterans,  
and Military  
Affairs

After consideration on the merits, the committee recommends that HB00-1283 be  
amended as follows and, as so amended, be referred to the Committee of the Whole  
with favorable recommendation:

Amend reengrossed bill, page 6, line 15, strike "STATE" and substitute  
"STATE, SUBJECT TO THE REQUIREMENTS OF SECTION 25-7-123, C.R.S.,".

Page 7, line 7, strike "AGENCIES" and substitute "AGENCIES, SUBJECT TO  
THE PROVISIONS OF SECTIONS 25-7-106 (7) AND (8) AND 25-7-114.7 (2) (a)  
(III), C.R.S.,";

line 11, after "PLAN.", add "COUNTIES MAY PURCHASE AN  
INDEMNIFICATION INSURANCE POLICY AND PRIVATE LANDOWNERS WHO  
ENTER INTO MEMORANDA OF UNDERSTANDING WITH THE BOARD SHALL  
HAVE THE OPPORTUNITY TO OPT INTO SUCH POLICY.".

State,  
Veterans,  
and Military  
Affairs

After consideration on the merits, the committee recommends that HB00-1172 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 23, after the period, add "If THE  
LEGISLATIVE COUNCIL DOES NOT RECOMMEND THE INTRODUCTION OF A  
BILL UNDER THIS PARAGRAPH (a), AND THE MEMBER OR MEMBERS OF THE  
GENERAL ASSEMBLY THAT REQUESTED SUCH REVIEW WILL BE  
INTRODUCING A BILL UNDER THE PROVISIONS OF PARAGRAPH (c) OF THIS  
SUBSECTION (2), ANY SUCH MEMBER SHALL PROVIDE WRITTEN NOTICE TO  
THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL WITHIN THREE DAYS  
AFTER THE ACTION BY THE LEGISLATIVE COUNCIL NOT TO RECOMMEND  
INTRODUCTION OF A BILL. IF SUCH MEMBER OR MEMBERS PROVIDE SUCH  
WRITTEN NOTICE, THE ADDITION OR CHANGE TO THE SIP OR ANY ELEMENT  
THEREOF THAT IS THE SUBJECT OF ANY SUCH BILL MAY NOT BE SUBMITTED  
TO THE ADMINISTRATOR OF THE FEDERAL ENVIRONMENTAL PROTECTION  
AGENCY UNTIL THE EXPIRATION OF THE ADDITION OR CHANGE TO THE SIP  
HAS BEEN POSTPONED BY THE GENERAL ASSEMBLY ACTING BY BILL OR THE  
MEMBER OR MEMBERS PROVIDE WRITTEN NOTICE TO THE CHAIRPERSON OF  
THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL THAT NO BILL  
WILL BE INTRODUCED.".

Page 4, line 1, after "SECTION," insert "OR A NOTICE IS PROVIDED BY A  
MEMBER OR MEMBERS THAT THEY ARE INTRODUCING A BILL UNDER  
PARAGRAPH (c) OF THIS SUBSECTION (2) WITHIN THREE DAYS AFTER  
LEGISLATIVE COUNCIL ACTION NOT TO INTRODUCE A BILL UNDER  
PARAGRAPH (a) OF THIS SUBSECTION (2),".

Page 5, line 6, after the period, add "ANY BILL INTRODUCED UNDER THIS  
PARAGRAPH (c) SHALL NOT BE COUNTED AGAINST THE NUMBER OF BILLS  
TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY LAW OR  
JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. ANY  
COMMITTEE OF REFERENCE OF THE SENATE OR THE HOUSE OF  
REPRESENTATIVES TO WHICH A BILL INTRODUCED UNDER THIS PARAGRAPH  
(c) IS REFERRED SHALL CONDUCT AS PART OF CONSIDERATION OF ANY  
SUCH BILL ON THE MERITS THE REVIEW PROVIDED FOR UNDER PARAGRAPH  
(a) OF THIS SUBSECTION (2).";

line 10, strike "MARCH 1," and substitute "MARCH 15,";

strike line 15, and substitute the following:

"NO LATER THAN MARCH 31, 2000, AND, AFTER MARCH 31, 2000,";

line 18, strike "MARCH 1," and substitute "MARCH 15,".

Page 6, line 19, after "2000:" insert "THIS SECTION IS EXEMPT FROM THE  
PROVISIONS OF SECTION 24-1-136 (11), C.R.S., AND THE PERIODIC  
REPORTING REQUIREMENT OF THIS SECTION SHALL REMAIN IN EFFECT  
UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.".

State, Veterans, and Military Affairs	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>SB00-137</u>	1 2 3 4 5 6 7
State, Veterans, and Military Affairs	After consideration on the merits, the committee recommends that <u>SB00-158</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:  Amend printed bill, page 3, strike lines 14 through 18, and substitute the following:  "ONLY THE INTEREST DERIVED FROM THE PRINCIPAL IN THE TRUST FUND MAY BE EXPENDED BY THE PRESERVATION TRUST COMMITTEE. ALL GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE DEPARTMENT OF PERSONNEL PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL BE CREDITED TO THE TRUST FUND AND RETAINED AS PRINCIPAL IN THE TRUST FUND. ALL INTEREST EARNED ON".	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
State, Veterans, and Military Affairs	After consideration on the merits, the committee recommends that <u>SB00-141</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:  Amend printed bill, page 3, line 6, after "(h).", insert "THIS SUBPARAGRAPH (III) SHALL NOT APPLY TO OBJECTS OF ART OR MEMORIALS PLACED PRIOR TO THE FORMATION OF THE ADVISORY COMMITTEE.".	26 27 28 29 30 31 32 33 34 35 36
Local Government	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1324</u>	37 38 39 40 41 42
Local Government	After consideration on the merits, the committee recommends that <u>HB00-1325</u> 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 11, strike "HOUSE BILL 00-____," and substitute "HOUSE BILL 00-1324,".  Page 5, line 5, strike "HOUSE BILL 00-____," and substitute "HOUSE BILL 00-1324,".	43 44 45 46 47 48 49 50 51 52 53 54 55
Local Government	After consideration on the merits, the committee recommends that <u>HB00-1271</u> 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, strike line 11 and substitute "WITHIN SUCH AREA.";  strike line 12 and substitute "WHENEVER THE BOARD".  Page 3, line 2, strike "TWENTY" and substitute "THIRTY".  Page 4, line 21, strike "No" and substitute "EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH (c), NO";  line 26, after the period, insert "NO SINGLE PARCEL OF LAND OWNED BY A CORPORATE ENTITY AND HAVING A VALUATION FOR ASSESSMENT	56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

	CONSTITUTING FIVE PERCENT OR MORE OF THE TOTAL VALUATION OF ASSESSMENT OF ALL REAL PROPERTY WITHIN THE BOUNDARIES OF AN AREA IN A SPECIAL DISTRICT SHALL BE INCLUDED IN SUCH AREA WITHOUT THE WRITTEN CONSENT OF THE OWNER OF SUCH REAL PROPERTY."	1 2 3 4 5 6 7
Education	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1251</u>	8 9 10 11
Education	After consideration on the merits, the committee recommends that <u>HB00-1159</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:  Amend reengrossed bill, page 10, after line 7, insert the following:  "(2) In addition to any other appropriation, there is hereby";  line 15, strike "(2)" and substitute "(3)";  line 22, strike "(3)" and substitute "(4)".	12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
Agriculture, Natural Resources and Energy	The Committee on Agriculture, Natural Resources and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:  <u>WILDLIFE COMMISSION</u>  effective March 1, 2000 for terms expiring March 1, 2004;  Thomas M. Burke of Grand Junction, Colorado, to serve as a representative of a wildlife organization from District 1, and as a Republican;  Olive K. Valdez of Conjeos, Colorado, to serve as a representative of the public from District 2, and as a Democrat.	27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42
Agriculture, Natural Resources and Energy	After consideration on the merits, the committee recommends that <u>SB00-198</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:  Amend printed bill, page 2, line 14, strike "(1)";  strike lines 23 through 26 and substitute the following:  "TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE RED STAMP CASH FUND CREATED IN SECTION 33-1-112 (10)."  Page 3, strike lines 1 through 6;  line 9, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";  line 11, strike "(7) and (8)" and substitute "(7), and (8), AND (10)";  line 26, strike "(1)".  Page 4, line 11, strike "ANY" and substitute "BY JANUARY 15, 2000, THE DIVISION OF WILDLIFE SHALL ESTABLISH ELIGIBILITY CRITERIA, APPLICATION PROCEDURES, AND DISTRIBUTION PROCEDURES FOR DISTRIBUTING GRANTS FROM THE ACCESS TO WILDLIFE SPORTING GRANT FUND TO QUALIFIED RECIPIENTS.";  strike lines 12 through 26;	43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

after line 26, insert the following:

"(10) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE RED STAMP CASH FUND, WHICH SHALL CONSIST OF MONEYS CREDITED THERETO IN ACCORDANCE WITH SECTION 33-4-121. THE MONEYS IN SUCH FUND SHALL BE CONTINUOUSLY APPROPRIATED FOR THE PURPOSES OF THIS SUBSECTION (10).

(b) THE MONEYS IN SUCH FUND SHALL BE USED TO COVER THE EXPENSES OF ADMINISTERING THE RESCUE AND EDUCATION FEE PURSUANT TO SECTION 33-4-121.

(c) ALL MONEYS NOT USED TO COVER EXPENSES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (10) SHALL BE DEPOSITED IN THE FOLLOWING FUNDS IN THE FOLLOWING AMOUNTS:

(I) SEVENTY PERCENT OF THE UNUSED MONEYS SHALL BE DEPOSITED IN THE WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND CREATED IN SECTION 33-1-112 (3.5);

(II) TWENTY PERCENT OF THE UNUSED MONEYS SHALL BE DEPOSITED IN THE SEARCH AND RESCUE FUND CREATED IN SECTION 33-1-112.5 (1); AND

(III) TEN PERCENT OF THE UNUSED MONEYS SHALL BE DEPOSITED IN THE ACCESS TO WILDLIFE SPORTING GRANT FUND CREATED IN SECTION 33-1-112 (9).".

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that HB00-1330 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, line 1, strike "SHALL" and substitute "MAY";

line 2, strike "MANDATORY".

Page 5, line 2, strike "SHALL" and substitute "MAY";

line 3, strike "MANDATORY".

Education

After consideration on the merits, the committee recommends that HB00-1124 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, line 21, strike "(I)," and substitute "(I) (F),".

Page 3, strike lines 15 through 26.

Page 4, strike line 1;

strike lines 8 through 19.

Renumber succeeding section accordingly.

Page 1, line 102, strike "TO IMPOSE FEES FOR EXCESS";

line 103, strike "TRANSPORTATION COSTS AND".



Agriculture,  
Natural  
Resources  
and Energy

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

STATE BOARD OF AGRICULTURE

for terms expiring January 17, 2004:

Wesley A. Segelke of Englewood, Colorado, appointed.

\_\_\_\_\_

On motion of Senator Wattenberg, the Senate adjourned until 10:00 a.m., Monday, March 6, 2000.

Approved:

Ray Powers  
President of the Senate

Attest:

Patricia K. Dicks  
Secretary of the Senate

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