

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

34th Legislative Day Monday, February 7, 2000

Call to Order By the President at 10:00 a.m.

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Roll Call Present--Total, 33.
Absent/Excused--Hernandez, Weddig--Total, 2.
Present later--Hernandez, Weddig.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hillman, reading of the Journal of Friday, February 4th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SB 00-86, 103, 106, 127.
Correctly revised: HB00-1035.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-057

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-074

Judiciary After consideration on the merits, the committee recommends that SB00-078 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 3, strike "amended" and substitute "amended, and the said 13-5-118 is further amended BY THE ADDITION OF A NEW SUBSECTION";

after line 6, insert the following:

"(3) THE SEVENTEENTH JUDICIAL DISTRICT SHALL HAVE JURISDICTION OVER ALL CAUSES OF ACTION ACCRUING AND ALL CRIMES COMMITTED WITHIN THE CITY AND COUNTY OF BROOMFIELD ON OR AFTER NOVEMBER 15, 2001. PRIOR TO NOVEMBER 15, 2001, THE JUDICIAL DISTRICTS FOR THE COUNTIES, AS THEY EXISTED PRIOR TO NOVEMBER 15, 2001, SHALL HAVE JURISDICTION OVER ALL CAUSES OF ACTION ACCRUING AND CRIMES COMMITTED WITHIN SUCH COUNTIES."

INTRODUCTION OF BILL--FIRST READING

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

SB 00-189 by Senator Dennis--Concerning grand jury proceedings.
Judiciary

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:

SB 00-086 by Sen. Hillman; Rep. Larson--Withdrawal Of CCIA From Risk Mgmt

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	E	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	E
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.

SB 00-106 by Sen. Owen; Rep. Taylor--Insurance Deregulation

Laid over until Tuesday, February 8, retaining its place on the calendar.

HB 00-1035 by Rep. Smith; Senator Matsunaka--Enactment Of 1999 CRS

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.

SB 00-103 by Sen. Feeley--Create Colo Commission On Fair Taxation

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
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	N	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-sponsors added: Linkhart, Matsunaka, Nichol, Pascoe, Reeves, Rupert, Teck, Weddig.

SB 00-127 by Sen. Chlouber--Repeal Of 8-hour Days At Cement Plants

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

YES 32		NO 3		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	N
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	N	Rupert	N	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-sponsors added: Powers, Wattenberg, Weddig.

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:

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

Laid over until Tuesday, February 8, retaining its place on the calendar.

SB 00-025 by Sen. Chlouber; Rep. Dean--Competitive Telecom Market

Amendment No. 1, Business Affairs and Labor Committee Amendment
(Printed in Senate Journal, January 26, page 162.)

Amendment No. 2, by Senator Anderson

Amend the committee amendment, as printed in Senate Journal, January 26, page 162, strike lines 25 through 29 and substitute the following:

"Page 6, line 6, strike "Existing agreements" and substitute "Agreements";

line 8, strike "EXISTING";

strike lines 12 and 13 and substitute the following:

"SERVICES, UNLESS ALL PARTIES TO";".

Amendment No. 3, by Senator Chlouber

Amend printed bill, page 2, line 8, before "COMPETITION", insert "RETAIL";

line 14, before "COMPETITION", insert "RETAIL".

Page 4, line 15, after "SERVICES", insert "PROVIDED AT RETAIL".

Page 7, after line 9, insert the following:

"(e) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE CONTRARY, THE COMMISSION SHALL CONTINUE TO HAVE JURISDICTION OVER WHOLESALE PRICING OF TELECOMMUNICATIONS SERVICES.".

Amendment No. 4, by Senator Tebedo

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

- "(c) (I) ON OR BEFORE JANUARY 1, 2003, THE STAFF OF THE COMMISSION SHALL PROVIDE THE COMMISSION WITH A REPORT ASSESSING THE STATUS OF COMPETITION IN THE COLORADO TELECOMMUNICATIONS MARKET.
- (II) UPON ITS OWN MOTION PRIOR TO JULY 1, 2003, THE COMMISSION SHALL INSTITUTE A PROCEEDING TO DETERMINE WHETHER THE COLORADO TELECOMMUNICATIONS MARKET IS SUFFICIENTLY COMPETITIVE.
- (III) IF THE COMMISSION DETERMINES THAT THE COLORADO TELECOMMUNICATIONS MARKET IS NOT SUFFICIENTLY COMPETITIVE, THE COMMISSION SHALL RETAIN ITS JURISDICTION OF THE TELECOMMUNICATIONS PRODUCTS AND SERVICES DEREGULATED UNDER THIS PART 6."

As amended, declared LOST on Second Reading. (For further action, see page 226 for Roll Call Vote.)

SB00-095 by Sen. Wattenberg; Rep. George--Access To Eye Care Coverage

Laid over until Tuesday, February 8, retaining its place on the calendar.

SB00-144 by Sen. Owen; Rep. Spradley--Deferred Deposit Loan Act

Laid over until Tuesday, February 8, retaining its place on the calendar.

HB00-1155 by Rep. McKay; Senator Teck--Delete Debt Management Regulation

Laid over until Wednesday, February 9, retaining its place on the calendar.

SB00-114 by Sen. Andrews; Rep. Hefley--Period Of Silence And Ten Commandments

Laid over until Tuesday, February 8, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB00-025 by Sen. Chlouber; Rep. Dean--Competitive Telecom Market

Senator Chlouber moved to amend the Report of the Committee of the Whole to show that SB00-025, as amended, did pass.

Call of Senate

Call of Senate.

Call Raised.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	Musgrave	N	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	N	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	N	Perlmutter	N	Wattenberg	Y
Congrove	N	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	*
Epps	Y	Matsunaka	N	Sullivant	Y		

Abstaining (*) from voting under Senate Rule 17(c)--Senator Powers.

SB00-025 declared LOST on Second Reading.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Owen, 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:

SB00-025, as amended, declared lost on Second Reading.
SB00-096, SB00-095, SB00-144, SB00-114 laid over until Tuesday, February 8, retaining their place on the calendar.
HB00-1155 laid over until Wednesday, February 9, retaining its place on the calendar.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB00-025

SB 00-025 by Sen. Chlouber; Rep. Dean--Competitive Telecom Market

Having voted on the prevailing side, Senator Perlmutter moved for reconsideration of SB00-025, as amended.

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

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, February 7, was laid over until Tuesday, February 8, retaining its place on the calendar.

MESSAGE FROM THE HOUSE

February 7, 2000

Mr. President:

The House has adopted and transmits herewith HJR00-1004, as printed in House Journal, February 7, pages 383-384 .

INTRODUCTION AND CONSIDERATION OF RESOLUTION

The following resolution was read by title and taken upon immediate consideration:

HJR 00-1004 by Representative Hoppe; also Senator Dennis--Concerning the designation of Colorado 4-H Day.
(Printed in House Journal, February 7, pages 383-384.)

Senator Blickensderfer moved to suspend Senate Rule 30(e).

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Dennis, the Resolution was ADOPTED by the following roll call vote:

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	Sullivant	Y		

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

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly revised: HJR 00-1004.

Correctly printed: SB00-189.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans,
and Military
Affairs

After consideration on the merits, the committee recommends that SB00-135 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 14, strike "(2) and (3)," and substitute "(2),";

line 15, strike "are" and substitute "is";

line 23, strike "SHALL BE";

line 25, strike "AND SUCH MONEYS".

Page 4, line 9, strike "CAPITAL CONSTRUCTION" and substitute "PUBLIC SAFETY COMMUNICATIONS TRUST";

strike lines 19 through 24.

State,
Veterans,
and Military
Affairs

After consideration on the merits, the committee recommends that SB00-076 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 9, strike "(3), (4)," and substitute "(4)";

strike lines 13 through 19;

strike line 21 and substitute "DISTRICT,";

line 22, strike "SCHOOL DISTRICT,".

Page 4, strike lines 24 through 26.

Page 5, strike lines 1 through 13.

Renumber succeeding section accordingly.

State,
Veterans,
and Military
Affairs

After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-026

Trans-
portation

After consideration on the merits, the committee recommends that SB00-129 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. Repeal. 40-1-102 (3) (a) (II), Colorado Revised Statutes, is repealed as follows:

40-1-102. Definitions. As used in articles 1 to 7 of this title,

unless the context otherwise requires:

(3) (a) "Common carrier" means:

(II) ~~Every person affording a means of transportation within this state by railroad by indiscriminately accepting and carrying for compensation passengers or property.~~

SECTION 2. Repeal. 40-3-104 (1) (b) and (4), Colorado Revised Statutes, are repealed as follows:

40-3-104. Changes in rates - notice. (1) (b) ~~In the case of a rail carrier, a proposed rate change resulting in an increased rate or a new rate shall not become effective for twenty days after the notice to the commission and the public, and a proposed tariff change resulting in a reduced rate or a change resulting in no change in rates shall not become effective for ten days after such notice; except that a contract authorized under section 40-3-106 (1) (b) shall become effective in accordance with the provisions of such section.~~

~~(4) Rail carriers may change rates, classifications, rules, and practices by filing amendments or supplements without filing complete tariffs that cover matters that are not being changed. However, all rate changes of rail carriers and rail rate-making associations shall be incorporated into their individual tariffs by the end of the second year after the change becomes effective. A rate not incorporated in an individual tariff as so required is void.~~

SECTION 3. 40-3-104.5, Colorado Revised Statutes, is amended to read:

40-3-104.5. Special provisions for rail carrier rate increases. (1) ~~Notwithstanding sections 40-3-104 and 40-6-111 and any other provision of this title to the contrary, with respect to rail carriers, the commission shall not exercise any jurisdiction over general rate increases under 49 U.S.C. 10706, inflation-based rate increases under 49 U.S.C. 10712, or fuel adjustment surcharges approved by the interstate commerce commission.~~

(2) (a) ~~Notwithstanding section 40-6-111 or any other provision of this title to the contrary, with respect to rail carriers, the commission shall adopt rules or regulations in conformance with 49 U.S.C. 10707a allowing:~~

(I) ~~Rate increases which, when added to the existing rate, produce a rate not in excess of the adjusted base rate for the movement in question, which increases shall not be found to exceed a reasonable maximum for the involved transportation;~~

(II) ~~Consistent with 49 U.S.C. 10707a (c) and (d), rate increases not to exceed a specified percentage of the adjusted base rate without suspension thereof, and without investigation except upon complaint by an interested party alleging that such rate increase violates the provisions of this title and showing that the rate as increased produces a revenue-variable cost percentage limit specified in 49 U.S.C. 10707a (e) (2). In determining whether to investigate a rate increase under this section, the commission shall consider the factors set forth in 49 U.S.C. 10707a (e) (2) (B).~~

(b) ~~For the purposes of this subsection (2), "adjusted base rate" shall have the same meaning, with respect to rail carriers in this state, as in 49 U.S.C. 10707a (a).~~

(3) ~~Notwithstanding section 40-6-111 or any other provision of this title to the contrary, with respect to rail carriers, the commission shall adopt rules or regulations in conformance with 49 U.S.C. 10709 allowing rate increases without suspension thereof if the rail carrier proposing the rate increase is found by the commission not to have market dominance of the transportation. The commission shall determine whether or not the rail carrier has market dominance in accordance with the manner established in 49 U.S.C. 10709, and the definition of market dominance set forth in 49 U.S.C. 10709 (a) is hereby adopted. In making such~~

~~determination, the commission shall find that the rail carrier does not have market dominance over the transportation to which the rate applies if the rail carrier proves that the rate charged results in a revenue-variable cost percentage for such transportation that is less than the percentages specified in 49 U.S.C. 10709 (d) (2). For the purposes of this subsection (3), "revenue-variable cost percentage" shall have the same meaning, with respect to rail carriers in this state, as in 49 U.S.C. 10709 (d) (1).~~

~~(4) The commission shall maintain and revise as necessary standards and procedures for establishing revenue levels for rail carriers providing transportation subject to its jurisdiction that are adequate, under honest, economical, and efficient management, to cover total operating expenses, including depreciation and obsolescence, plus a reasonable and economic profit or return, or both, on capital employed in the business. The commission shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed under this subsection (4). Revenue levels established under this subsection (4) should provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation and should attract and retain capital in amounts adequate to provide a sound transportation system in the United States.~~

~~(5) (a) In every proceeding begun to investigate a proposed new rate or rate change, the commission shall specifically consider whether a proposed increase or decrease would:~~

~~(I) Change the rate relationships between commodities, places, regions, areas, or other particular descriptions of traffic; and~~

~~(II) Have a significant adverse effect on the competitive position of shippers or consignees served by the rail carrier proposing the increase or decrease.~~

~~(b) Subject to subsection (2) of this section, the commission may on its own motion or on complaint of an interested party investigate to determine whether the change or effect violates this title either before or after the proposed increase or decrease becomes effective. NOTWITHSTANDING SECTION 40-3-105 AND ANY OTHER PROVISION OF THIS TITLE TO THE CONTRARY, THE COMMISSION SHALL NOT EXERCISE ANY JURISDICTION OVER RATES WITH RESPECT TO INTRASTATE RAIL CARRIERS.~~

SECTION 4. 40-3-106 (1) (b), Colorado Revised Statutes, is amended to read:

40-3-106. Advantages prohibited - graduated schedules.
(1) (b) (I) One or more rail carriers may enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions. Such a rail carrier may not enter into a contract with purchasers of rail services except as provided in 49 U.S.C. SEC. 10713. ~~and any rules and regulations adopted by the commission pursuant to this paragraph (b).~~

(II) Each contract entered into under this section shall be filed with the commission, together with a summary of the contract containing such nonconfidential information as the commission prescribes. ~~In addition to any other rules or regulations adopted by the commission to implement this paragraph (b), which shall be in conformance with 49 U.S.C. 10713; The commission shall publish special tariff rules for such contracts in order to assure that the essential terms of the contract are available to the general public in tariff format.~~

(III) A contract filed under this section shall be approved by the commission in the manner provided in 49 U.S.C. SEC. 10713. ~~and the commission's rules and regulations pursuant thereto. Once approved, a contract governs the transportation to which it applies, and the provisions of this title which may be in conflict with the contract shall not apply thereto for the term of the contract.~~

SECTION 5. Repeal. 40-3-113, Colorado Revised Statutes, is repealed.

SECTION 6. Repeal. 40-6-111 (1) (c) and (2) (b), Colorado Revised Statutes, are repealed as follows:

40-6-111. Hearing on schedules - suspension - new rates - rejection of tariffs. (1) (c) ~~(I) Pending the hearing and decision thereon in the case of a rail carrier, the commission may suspend a proposed rate, classification, rule, or practice during the course of a commission proceeding under this section upon petition and in accordance with 49 U.S.C. 10707 and the regulations promulgated by the commission thereunder, and only when it appears from the specific facts shown by the verified statement of a person that:~~

~~(A) It is substantially likely that the protestant will prevail on the merits of its challenge to the rate change;~~

~~(B) Without suspension, the proposed rate change will cause substantial injury to the protestant or the party represented by the protestant; and~~

~~(C) Because of the peculiar economic circumstances of the protestant, the provisions of subparagraph (III) of this paragraph (c) do not protect the protestant.~~

~~(II) The burden shall be on the protestant to prove the matters described in sub-subparagraphs (A), (B), and (C) of subparagraph (I) of this paragraph (c).~~

~~(III) The commission may by rule or regulation provide for: Carrier refunds to shippers, including interest, when a rate increase is subsequently found unreasonable; carrier assessments on shippers, including interest, when a suspended rate increase is subsequently found reasonable; and carrier refunds to shippers when a suspended rate decrease is subsequently found reasonable. Such rules or regulations shall be in conformance with 49 U.S.C. 10707.~~

(2) (b) ~~In determining whether a rail rate is reasonable, the commission shall consider, among other factors, evidence of the following:~~

~~(I) The amount of traffic which is transported at revenues which do not contribute to going-concern value and efforts made to minimize such traffic;~~

~~(II) The amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and~~

~~(III) The carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.~~

SECTION 7. 40-21-101, Colorado Revised Statutes, is amended to read:

40-21-101. Domestic railroads - headquarters. Every railroad company chartered by this state shall keep and maintain permanently its general offices within the state of Colorado at the place named in its charter for the location of its general offices; and, if no certain place is named in its charter where its general offices shall be located and maintained, said railroad company shall keep and maintain its general offices at the place within this state where it contracts or agrees for a valuable consideration to locate its general offices; and, if said railroad company has not contracted or agreed for a valuable consideration to maintain its general offices at any certain place within this state, such general offices shall be located and maintained at such place on its line in this state as said railroad company may designate. ~~Such railroad companies shall keep and maintain their division headquarters, stations, machine shops, and roundhouses, or any of them, at such places as they may have contracted for a valuable consideration to keep them; and, if said general offices and shops and roundhouses, or any of them, are located on the line of a railroad in a county which has aided said railroad by an issue of bonds in consideration of such location being made, said~~

~~location shall not be changed; and this shall apply as well to a railroad that may have been consolidated with another as to those which have maintained their original organization.~~

SECTION 8. 40-21-103, Colorado Revised Statutes, is amended to read:

40-21-103. Violation of article - penalty. Each railroad company chartered by this state or owning, operating, or controlling any line of railroad within this state which violates any of the provisions of this article shall forfeit to the state of Colorado the charter or right by which it operates its railroad in this state and be subject to a penalty of not less than five hundred dollars nor more than five thousand dollars for each and every day in which it violates any of the provisions of this article, to be recovered by suit in the name of the state of Colorado prosecuted by the attorney general in any court of competent jurisdiction. ~~It is the duty of the attorney general of this state, upon the application of any interested party or on his own motion, to proceed at once by proper action to forfeit the charter of the railroad company so violating any of the provisions of this article and to recover said penalty; or action may be instituted by the district attorney of any judicial district in which any violation occurs to recover the penalty provided in this section for such violation. Any money recovered from any railroad company under the provisions of this article shall be paid into the state treasury and become a part of the available public school fund.~~

SECTION 9. Repeal. 40-24-109, 40-24-110, 40-24-111, articles 25, 26, and 28 of title 40, 40-29-101, 40-29-102, 40-29-103, 40-29-104, 40-29-105, 40-29-106, 40-29-107, 40-29-108, 40-29-109, 40-29-112, 40-29-113, 40-29-114, and 40-29-115, Colorado Revised Statutes, are repealed.

SECTION 10. 40-29-110, Colorado Revised Statutes, is amended to read:

40-29-110. Duties of commission. (1) For the purpose of protecting the health and safety of employees of railroads, the public utilities commission of Colorado ~~referred to in this article as the "commission"~~, shall prescribe standards of safety. ~~and safety devices concerning:~~

~~(a) The installation and maintenance by railroads of electric marker warning lights on the rear of all trains with sufficient candle power to be visible at a distance of three thousand feet under ordinary atmospheric conditions;~~

~~(b) The installation and maintenance by railroads of adequate electrical lighting within cabooses for clerical work.~~

SECTION 11. 40-29-111 (1), Colorado Revised Statutes, is amended to read:

40-29-111. Compliance. (1) It is the duty of all persons engaged in the operation of railroads to comply with any regulation or order of the commission issued under the provisions of ~~sections~~ SECTION 40-29-110 ~~to 40-29-115~~ and to furnish any information required by the commission for purposes of ~~sections~~ SECTION 40-29-110. ~~to 40-29-115.~~ The provisions of said ~~sections~~ SECTION shall not apply to any caboose operated on tracks of less than standard gauge nor to any caboose used only in yard service.

SECTION 12. Repeal. 40-32-101, 40-32-102, 40-32-105, 40-32-109, 40-32-110, 40-32-111, 40-32-112, and 40-32-113, Colorado Revised Statutes, are repealed.

SECTION 13. 40-32-104.5 (2), Colorado Revised Statutes, is amended to read:

40-32-104.5. Railroad peace officer - defined - scope of authority - responsibility and liability of railroad. (2) ~~Notwithstanding the police powers given to conductors under this article;~~ A class I railroad corporation may employ a railroad peace officer to protect and investigate

offenses against the corporation. Such railroad peace officer, while engaged in the conduct of his OR HER employment, shall possess and exercise all the powers vested in a peace officer, level II, of this state, pursuant to section 18-1-901 (3) (I) (III), C.R.S. Such authority shall be exercised only in the protection of persons, including on-duty employees, who are located on the class I railroad corporation's property and in the protection of all real and personal property in the current physical possession of such railroad corporation. Such authority may include engaging in immediate pursuit. In the exercise of his OR HER duties, the railroad peace officer shall have the power to arrest for violation of laws upon railroad property; except that he OR SHE shall be required to notify the appropriate local law enforcement agency before applying for any warrant or lodging any criminal complaint unless the arrest is pursuant to section 40-32-107.

SECTION 14. 40-32-106, Colorado Revised Statutes, is amended to read:

40-32-106. Eject disorderly passengers. When any passenger is guilty of disorderly conduct, or uses any obscene language to the annoyance and vexation of passengers ~~or plays any game of cards or other games of chance for money or other valuable thing upon any railroad train;~~ and refuses to desist therefrom when requested by the conductor, the conductor of such train is authorized to stop his THE train at any station and eject such passenger from the train, using only such force as may be necessary, ~~to accomplish such removal;~~ and may command the assistance of the employees of the railroad company ~~or any of the passengers~~ to assist in such removal; ~~but before doing so he shall tender to such passenger such proportion of the fare he has paid as the distance he then is from the place to which he has paid his fare bears to the whole distance for which he has paid his fare;~~ but nothing in this section shall relieve any railroad company from liability for damages to any passenger for an unwarranted exercise of such police power by any such conductor.

SECTION 15. 40-32-107, Colorado Revised Statutes, is amended to read:

40-32-107. Arrest and take before county court. When any passenger is guilty of any crime or misdemeanor upon any train, ~~the conductor or employees~~ A RAILROAD PEACE OFFICER of such train may arrest such passenger, take him SUCH PASSENGER before any county court in any county in which such crime or misdemeanor was committed, and file a complaint charging him SUCH PASSENGER with such crime or misdemeanor.

SECTION 16. 40-32-108, Colorado Revised Statutes, is amended to read:

40-32-108. Duties of commission. ~~(1) For the purpose of protecting the health and safety of employees of railroads, the public utilities commission, hereinafter called the "commission", shall prescribe standards of health, sanitation, and safety concerning:~~

~~(a) The installation and maintenance by railroads of sanitary drinking water coolers of the glass bottle design securely fastened in an appropriate location within all cabooses used in road service, and other service if deemed necessary by the commission, for the use of the employees of said railroads;~~

~~(b) The installation and maintenance by railroads of individual paper drinking cups and dispenser within such cabooses as described in paragraph (a) of this subsection (1) for the use of said employees;~~

~~(c) The installation and maintenance by railroads of first-aid kits within such cabooses as described in paragraph (a) of this subsection (1), of a type and with contents as shall be determined by the commission, for use in administering first-aid to said employees.~~

~~(2) For the purposes of protecting the general public, The commission shall establish standards for the employment of railroad peace officers relating to education or experience in law enforcement.~~

	SECTION 17. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".	1 2 3 4 5
Trans- portation	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-161</u>	6 7 8 9
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>SB00-171</u>	10 11 12 13 14 15
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that <u>SB00-101</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation: Amend printed bill, page 2, line 23, strike "MAIL," and substitute "MAIL OR UPON FINAL AGENCY ACTION UNLESS THE COMPLAINT IS DISMISSED,". Page 3, line 5, after the period add "ANY FINAL AGENCY ACTION OR THE FILING OF A FORMAL COMPLAINT, WHEN THE BOARD DETERMINES IT IS NECESSARY, SHALL REDACT ALL NAMES OF CLIENTS OR OTHER RECIPIENTS OF SERVICES TO PROTECT SUCH PERSONS' CONFIDENTIALITY.".	16 17 18 19 20 21 22 23 24 25 26 27 28 29
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-048</u>	30 31 32 33 34 35
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that <u>SB00-149</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation: Amend printed bill, page 2, strike lines 18 and 19 and substitute the following: "ACT GIVES STATES CHOICES IN IMPLEMENTATION. IN ORDER TO RECEIVE MONEYS UNDER THE ACT, THE STATE HAS BEEN ADVISED THAT IT MUST ESTABLISH A TASK FORCE TO STUDY THE OPTIONS AVAILABLE TO THE STATE." Page 3, line 11, strike "SEVENTEEN" and substitute "SIX"; line 15, after "SENATE;"; insert "AND"; line 19, change the semicolon to a period; strike lines 20 through 26. Page 4, strike lines 1 through 6; line 8, strike "(I)"; strike lines 12 and 13. line 23, after "WORK;"; insert "AND"; strike lines 24 through 26. Page 5, strike lines 1 through 4; line 5, strike "(VII)" and substitute "(III)"; line 6, change the semicolon to a period;	36 37 38 39 40 41 42 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

strike lines 7 through 10, and substitute the following:

"(b) IN PERFORMING ITS DUTIES, THE TASK FORCE SHALL SEEK THE ADVICE AND INPUT FROM PARTIES INTERESTED IN THE EMPLOYMENT OF THE DISABLED INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(I) ANY COMMITTEE OR COUNCIL IN THE GOVERNOR’S OFFICE CONCERNING PEOPLE WITH DISABILITIES;

(II) REPRESENTATIVES OF DIFFERENT SEGMENTS OF THE DISABILITIES COMMUNITY;

(III) REPRESENTATIVES OF BUSINESSES CONCERNED WITH OBSTACLE ENCOUNTERED IN HIRING PERSONS WITH DISABILITIES.";

line 11, strike "(b)" and substitute "(c)" and strike "FEBRUARY 1, 2001," and substitute "SEPTEMBER 30, 2000,";

line 12, strike "A JOINT MEETING" and substitute "THE MEMBERS";

line 14, strike "AN INTERIM" and substitute "A";

strike lines 18 through 22;

line 25, strike "NONLEGISLATIVE";

strike lines 25 and 26.

Page 6, strike lines 1 and 2;

line 10, after the period, add "SUCH COOPERATION SHALL BE CONDUCTED WITHIN EXISTING APPROPRIATIONS.";

line 11, strike "2002." and substitute "2001.";

strike lines 12 through 20.

Renumber succeeding section accordingly.

Health,
Environment,
Welfare and
Institutions

After consideration on the merits, the committee recommends that SB00-019 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 4, strike "system;" and substitute "system THAT INCLUDES THE FOLLOWING AS PROGRAM COMPONENTS:";

after line 4, insert the following:

(I) FULL-DAY AND FULL-YEAR PROGRAMS;

(II) EDUCATIONALLY ENRICHED PROGRAMS;

(III) HEALTH SCREENINGS AND FOLLOW-UPS;

(IV) PARENT EDUCATION AND HOME VISITS UPON THE SPECIFIC REQUEST OF THE PARENT OR LEGAL GUARDIAN OF THE CHILD;

(V) NUTRITIONALLY SOUND MEALS AND SNACKS;

(VI) SPECIAL NEEDS SERVICES;

(VII) STAFF DEVELOPMENT;

(VIII) FAMILY SUPPORT SERVICES; AND

(IX) OPPORTUNITIES FOR THE INVOLVEMENT OF VOLUNTEERS AND EXTENDED FAMILY MEMBERS IN THE DELIVERY OF CHILD CARE SERVICES IN BOTH TRADITIONAL PROGRAMS AND COOPERATIVE

CHILD CARE PROGRAMS;";
line 7, strike "IDENTIFY AND DEVELOP" and substitute "IDENTIFY, DEVELOP, AND IMPLEMENT";
line 13, strike "ADMINISTERED" and substitute "APPROVED";
line 14, after "EDUCATION", insert "IN PARTNERSHIP WITH THE STATE DEPARTMENT", and strike "WHOSE" and substitute "THAT HAS AS ONE OF ITS";
line 15, strike "INTEREST IS" and substitute "INTERESTS";
strike lines 16 through 26 and substitute the following:
 "(c) ~~Include as program components:~~
 ~~(I) Full-day and full-year programs;~~
 ~~(II) Educationally enriched programs;~~
 ~~(III) Health screenings and follow-ups;~~
 ~~(IV) Parent education and home visits upon the specific request of the parent or legal guardian of the child;~~
 ~~(V) Nutritionally sound meals and snacks;~~
 ~~(VI) Special needs services;~~
 ~~(VII) Staff development;~~
 ~~(VIII) Family support services; and~~
 ~~(IX) Opportunities for the involvement of volunteers and extended family members in the delivery of child care services in both traditional programs and cooperative child care programs."~~
Page 4, strike lines 1 and 2;
line 4, after "CARE", insert "VOLUNTARY" and strike "IN PART 2 OF THIS ARTICLE." and substitute "PURSUANT TO SUBSECTION (8) OF THIS SECTION.";
line 15, after "THE", insert "ORIGINAL TWELVE".
Page 5, after line 6, insert the following:
 "(8) THE STATE DEPARTMENT SHALL DEVELOP A CHILD CARE VOLUNTARY CREDENTIALING SYSTEM THAT RECOGNIZES THE TRAINING AND EDUCATIONAL ACHIEVEMENTS OF PERSONS PROVIDING EARLY CHILDHOOD CARE AND EDUCATION AND THAT SHALL BE USED ONLY BY COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT SITE AGENCIES. THE CHILD CARE VOLUNTARY CREDENTIALING SYSTEM SHALL BE A MULTI-TIERED SYSTEM OF GRADUATED CREDENTIALS THAT REFLECTS THE INCREASED TRAINING, EDUCATION, KNOWLEDGE, SKILLS, AND COMPETENCIES OF PERSONS WORKING IN EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS IN THE PILOT SITE AGENCIES."
line 16, after the period add "IN ADDITION TO THE YOUTH CRIME PREVENTION AND INTERVENTION FUND, THE PILOT SITE AGENCIES MAY ACCESS OTHER ALREADY APPROPRIATED STATE FUNDS TO ENHANCE THE QUALITY OF CARE AND EDUCATION OF CHILDREN."
Page 6, strike lines 7 through 26 and substitute the following:
 "**SECTION 4.** 22-28-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:
 22-28-104. Establishment of public preschool program.
 (3.5) THE PER PUPIL OPERATING REIMBURSEMENT PROVIDED TO ANY COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT SITE AGENCY

DESIGNATED IN SECTION 26-6.5-103, C.R.S., THAT PARTICIPATES IN THE COLORADO PRESCHOOL PROGRAM SHALL BE INCREASED TO ALLOW A SINGLE CHILD TO ENROLL IN THE PRESCHOOL PROGRAM USING TWO POSITIONS SUCH THAT THE CHILD MAY ATTEND A FULL DAY OF PRESCHOOL."

Strike pages 7 through 11.

Page 12, strike lines 1 through 7.

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE

February 7, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1040, amended as printed in House Journal, February 4, page 320. HB00-1194, amended as printed in House Journal, February 4, pages 318-320. HB00-1216, amended as printed in House Journal, February 4, pages 320-321. HB00-1276, amended as printed in House Journal, February 4, page 322.

MESSAGE FROM THE REVISOR

February 7, 2000

We herewith transmit:

without comment, as amended, HB00-1040, 1194, 1216 and 1276.

INTRODUCTION OF BILLS

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

- SB 00-190 by Senator Feeley; also Representative Kaufman--Concerning methyl tertiary butyl ether. Transportation
- SB 00-191 by Senator Anderson; also Representative George--Concerning an interstate compact for adult offender supervision. Judiciary
- HB 00-1040 by Representative Spence; also Senator Hillman--Concerning waivers of requirements imposed on school districts. Education
- HB 00-1194 by Representatives George and McPherson; also Senator Powers--Concerning campaign finance. State, Veterans, & Military Affairs
- HB 00-1216 by Representative Lawrence; also Senator Arnold--Concerning procedural changes for the strengthening of the criminal laws. Judiciary
- HB 00-1276 by Representatives Dean, Alexander and Allen; also Senator Owen--Concerning the confidentiality of records of the Colorado student obligation bond authority. State, Veterans, & Military Affairs

INTRODUCTION OF CONCURRENT RESOLUTION

The following resolution was read by title and referred to the committees indicated:

SCR00-004

by Senator Matsunaka--Concerning the submission to the registered electors of the state of Colorado of an amendment to sections 3 and 20 of article X of the constitution of the state of Colorado, concerning property tax reform, and, in connection therewith, modifying the valuation for assessment percentages for certain classifications of property, establishing a homestead exemption from property taxes levied for the funding of public schools for a portion of the actual value of owner-occupied primary residences, requiring the establishment of a state income tax credit for persons who rent their primary residences, requiring school districts to levy the same property tax mill levy for school finance funding that was levied for the 2000 property tax year except in certain circumstances, allowing said school district property tax mill levy to be modified annually by the general assembly and allowing increases in the mill levy to be imposed without voter approval, and for the purpose of providing relief from property taxes, authorizing the state to retain up to one hundred sixty-five million nine hundred thousand dollars of revenues in excess of the constitutional limitation on state fiscal year spending for the 1999-2000 state fiscal year and up to one hundred thirty-nine million nine hundred thousand dollars of revenues in excess of the constitutional limitation on state fiscal year spending for the 2000-01 state fiscal year to replace tax revenue losses of governments due to such property tax relief, notwithstanding any state restriction or limitation on revenue, spending, or appropriations, including without limitation the restrictions of section 20 of article X of the constitution of the state of Colorado and the statutory limitation on state general fund appropriations, dedicating a portion of state income tax revenues to replace tax revenue losses of governments due to such property tax relief, exempting said dedicated portion of state income tax revenues from statutory limitations on revenues, appropriations, and spending, and modifying the definition of "fiscal year spending" to exclude said dedicated portion of state income tax revenues from the constitutional limitation on state fiscal year spending.

State, Veterans, & Military Affairs

Appropriations

TRIBUTES--A POINT OF INTEREST

- Honoring Fountain Elementary School by Senator Thiebaut
- Honoring Highland Park Elementary School by Senator Thiebaut
- Honoring Haaff Elementary School by Senator Thiebaut
- Honoring Heritage Elementary School by Senator Thiebaut
- Honoring Irving Elementary School by Senator Thiebaut
- Honoring Minnequa Elementary School by Senator Thiebaut
- Honoring Morton Elementary School by Senator Thiebaut
- Honoring Olga A. Hellbeck Elementary School by Senator Thiebaut
- Honoring Park View Elementary School by Senator Thiebaut
- Honoring Somerlid Elementary School by Senator Thiebaut
- Honoring Terry Hawkins by Senator Thiebaut
- Honoring Gilbert Ortiz by Senator Thiebaut
- Honoring The Reverend David Ricken by Senator Thiebaut
- Honoring Beulah Heights Elementary School by Senator Thiebaut
- Honoring Bessemer Elementary School by Senator Thiebaut
- Honoring Bradford Elementary School by Senator Thiebaut
- Honoring Columbian Elementary School by Senator Thiebaut
- Honoring Carlile Elementary School by Senator Thiebaut
- Honoring Goodnight Elementary School by Senator Thiebaut

Honoring Eva R. Baca Elementary School by Senator Thiebaut

Honoring Scott DeVries by Senator Arnold

Honoring Pamela Castellaw Crosby by Senator Arnold

Honoring Robert Sanders by Senator Arnold

Honoring Katherine Granas by Senator Arnold

On motion of Senator Phillips, the Senate adjourned until 9:00 a.m., Tuesday,
February 8, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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