

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

112<sup>th</sup> Legislative Day

Tuesday, April 25, 2000

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

Prayer By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral, Denver.

Roll Call Present--Total, 31.  
Absent/Excused--Lacy, Perlmutter, Weddig, Wham--Total, 4.  
Present later--Lacy, Perlmutter, Weddig, Wham.

Quorum      The President announced a quorum present.

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|--------------------|--|
| Reading of Journal | On motion of Senator Hillman, reading of the Journal of Monday, April 24 <sup>th</sup> was dispensed with and the Journal stands approved as corrected by the Secretary. |
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## SENATE SERVICES REPORT

Senate  
Services

Correctly printed: SB 00-231, 232.

## COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that HB00-1049 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend the Finance Committee amendment, as printed in Senate Journal, March 15, page 619, line 26, strike "**1998. (1)**" and substitute "**1998 - repeal. (1) (a) (I)**";

strike line 27 and substitute the following:

"THE income tax years YEAR commencing on or after January 1, 1999, AND ENDING DECEMBER 31, 1999, if, based on";

line 30, strike "in that income tax year" and substitute "in that income tax year ON JUNE 30, 1999,";

line 39, strike "~~eight and one-half~~" and substitute "eight and one-half";

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line 40, strike "TEN";
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line 42, strike "~~eight and one-half~~ TEN" and substitute "eight and one-half";

after line 43, insert the following:

"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2005.

(b) SUBJECT TO THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2000, IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR THE STATE FISCAL YEAR ENDING IN THAT INCOME TAX YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION AND THE VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE

REVENUES FOR THAT FISCAL YEAR, A RESIDENT INDIVIDUAL OR PART-YEAR RESIDENT INDIVIDUAL WHO CLAIMS AN EARNED INCOME TAX CREDIT ON THE INDIVIDUAL'S FEDERAL TAX RETURN SHALL BE ALLOWED AN EARNED INCOME TAX CREDIT AGAINST THE TAXES DUE ON THE INDIVIDUAL'S INCOME UNDER THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE AN AMOUNT EQUAL TO TEN PERCENT OF THE AMOUNT OF THE FEDERAL CREDIT CLAIMED ON THE RESIDENT INDIVIDUAL'S FEDERAL TAX RETURN OR, IN THE CASE OF A PART-YEAR RESIDENT INDIVIDUAL, SUCH AMOUNT AS SHALL REFLECT TEN PERCENT OF THE FEDERAL EARNED INCOME CREDIT EARNED WHILE A RESIDENT OF COLORADO."

Appropriations

After consideration on the merits, the committee recommends that HB00-1432 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

- Amend the reengrossed bill, page 3, line 12, after "\$157,846)", add a period;
- line 15, strike the first "forty-six";
- line 16, after "\$157,846)", add a period.

Appropriations

After consideration on the merits, the committee recommends that HB00-1351 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

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

- "SECTION 3. Appropriation - adjustment in 2000 long bill.**
- (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2000, the sum of one hundred forty-four thousand three hundred dollars (\$144,300), or so much thereof as may be necessary, for the implementation of this act.
- (2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:
- (a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred forty-four thousand three hundred dollars (\$144,300).
- (b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred forty-four thousand three hundred dollars (\$144,300)."

Renumber succeeding section accordingly.

Page 1, line 102, strike "CARE." and substitute "CARE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the committee recommends that HB00-1257 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend the Senate Finance Committee Report (HB1257\_C.002), dated April 18, 2000, page 9, after line 11, insert the following:

- "SECTION 3. Appropriation - adjustment in 2000 long bill.**
- (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2000, the sum of sixteen thousand five hundred eighty-three dollars (\$16,583) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.
- (2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1,

2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by sixteen thousand five hundred eighty-three dollars (\$16,583).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by sixteen thousand five hundred eighty-three dollars (\$16,583).".

Renumber succeeding section accordingly.

Page 9, after line 20, insert the following:

"Page 1, line 101, strike "CONTROL." and substitute "CONTROL, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH." .".

Appropriations After consideration on the merits, the committee recommends that HB00-1071 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, line 9, strike "and".

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1169

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1431

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1305

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1270

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1023

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1209

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1162

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1052

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1318

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1448

MESSAGES FROM THE HOUSE

April 24, 2000

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB00-1186, as printed in House Journal, April 14, page 1581-1582, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB00-1173 and has repassed the bill as so amended.

The House has voted to concur in the Senate amendments to HB00-1368 and has repassed the bill as so amended.

The House has voted to concur in the Senate amendments to HB00-1426 and has repassed the bill as so amended.

April 24, 2000

Mr. President

The House failed to pass SB00-165 (as amended) on Second Reading. The bill is returned herewith.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of SJR00-017.

CONSIDERATION OF RESOLUTION

SJR 00-017 by Sen. Hillman; Rep. Spradley--94th Infantry Division Memorial Highway

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

| 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 |               |   |

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

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 15(c) was suspended 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, HB00-1103, HB00-1259, HB00-1274, HB00-1355 were made Special Orders at 9:21 a.m.

Committee of the Whole The hour of 9:21 a.m. having arrived, Senator Hillman moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Hillman was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS--9:21 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 00-1103 by Rep. Spradley; Senator Owen--Income Tax Rate Reduction

Amendment No. 1, Finance Committee Amendment  
(Printed in Senate Journal, March 8, page 553.)

Amendment No. 2, Appropriations Committee Amendment  
(Printed in Senate Journal, April 18, pages 1039-1040.)

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

HB 00-1274 by Rep. Dean; Senator Owen--Tax Exclusion For Prepaid Tuition Pymnts

Amendment No. 1, Appropriations Committee Amendment  
(Printed in Senate Journal, April 24, page 1091.)

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

HB 00-1259 by Rep. McPherson; Senator Teck--Reduce State Sales & Use Tax Rate

Amendment No. 1, Finance Committee Amendment  
(Printed in Senate Journal, March 15, page 620.)

As amended, laid over until the General Orders calendar of Tuesday, April 25, retaining first place on the calendar.

HB 00-1355 by Rep. King; Senator Teck--High Technology Scholarships

Amendment No. 1, Finance Committee Amendment  
(Printed in Senate Journal, April 19, pages 1051-1051.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Hillman, 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:

HB00-1103, as amended; HB00-1274, as amended; HB00-1355, as amended, declared passed on Second Reading.

HB00-1259, as amended, laid over until the General Orders calendar of Tuesday, April 25, retaining first place on the calendar.

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

GENERAL ORDERS--SECOND READING OF BILLS

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

- SB

00-173

by Sen. Evans; Rep. Gotlieb--State Charter Schools

Laid over until Wednesday, April 26, retaining first place on the calendar.
- HB

00-1358

by Rep. Tool; Senator Teck--Interest On Deferred Real Prop Taxes

Amendment No. 1, Finance Committee Amendment  
(Printed in Senate Journal, March 1, page 458.)

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

00-1381

by Rep. Stengel; Senator Andrews--Diesel Emissions Testing Fee

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

00-1124

by Rep. King; Senator Andrews--Public School Auth For Const & Transp

Laid over until Wednesday, April 26, retaining its place on the calendar.
- HB

00-1201

by Rep. McElhany; Sen. Epps--Weapon Possession By A Felon

Amendment No. 1, Judiciary Committee Amendment  
(Printed in Senate Journal, February 22, pages 385-386.)

Amendment No. 2, Appropriations Committee Amendment  
(Printed in Senate Journal, April 17, page 1009.)

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

00-1294

by Rep. Morrison; Senator Epps--Regulation Of Respiratory Therapists

Amendment No. 1, Appropriations Committee Amendment  
(Printed in Senate Journal, April 17, page 1009.)

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

00-1256

by Rep. Johnson; Senator Epps--Home Health Services Pilot Program

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment  
(Printed in Senate Journal, March 13, page 602.)

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

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|----|---------|---|----|
| HB | 00-1214 | by Rep. Decker; Senator Sullivant--Penalty For Firearms Straw Purchasers                | 1  |
|    |         | <u>Amendment No. 1, Judiciary Committee Amendment</u>                                   | 2  |
|    |         | (Printed in Senate Journal, March 2, pages 465-466 declared LOST on Second Reading.)    | 3  |
|    |         | <u>Amendment No. 2, Judiciary Committee Amendment</u>                                   | 4  |
|    |         | (Printed in Senate Journal, March 22, page 709.)  | 5  |
|    |         | As amended, declared LOST on Second Reading. (For further action, see page 1110         | 6  |
|    |         | where the Sullivant amendment to the Report of the Committee of the Whole was           | 7  |
|    |         | adopted, and HB00-1214, as amended, was laid over until later in the day to the top of  | 8  |
|    |         | the General Orders calendar of Tuesday, April 25.)                                      | 9  |
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|    |         | On motion of Senator Blickensderfer, and with a majority of those elected to the Senate | 18 |
|    |         | having voted in the affirmative, SB00-227, SB00-222, SB00-220 and SB00-213 were         | 19 |
|    |         | advanced on the General Orders calendar.  | 20 |
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| SB | 00-227  | by Sen. Wattenberg; Rep. McPherson--Repeal Mini Glass-Steagall Banking Law              | 24 |
|    |         | Ordered engrossed and placed on the calendar for Third Reading and Final Passage.       | 25 |
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| SB | 00-222  | by Sen. Dennis; Rep. Lawrence--Transfer Of State Property In Pueblo                     | 30 |
|    |         | <u>Amendment No. 1, Local Government Committee Amendment</u>                            | 31 |
|    |         | (Printed in Senate Journal, April 19, page 1050.)                                       | 32 |
|    |         | <u>Amendment No. 2, by Senator Dennis</u>   | 33 |
|    |         | Amend the Local Government Committee amendment, as printed in                           | 34 |
|    |         | Senate Journal, April 19, page 1050, line 54, strike "line 6, after "project"           | 35 |
|    |         | insert "foundation";" and substitute "line 5, strike "Pueblo" and substitute            | 36 |
|    |         | "Pueblo, a municipal corporation,";"  | 37 |
|    |         | As amended, ordered engrossed and placed on the calendar for Third Reading and Final    | 38 |
|    |         | Passage.  | 39 |
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| SB | 00-220  | by Sen. Perlmutter; Rep. Smith--Modify Foreclosure Procedures                           | 48 |
|    |         | <u>Amendment No. 1, by Senator Perlmutter</u>   | 49 |
|    |         | Amend printed bill, page 6, line 4, after "SECTION.", add "FOLLOWING                    | 50 |
|    |         | THE FORECLOSURE SALE, A COPY OF THE EVIDENCE OF DEBT, EITHER                            | 51 |
|    |         | MARKED AS CANCELLED OR SHOWING THE AMOUNT OF ANY DEFICIENCY,                            | 52 |
|    |         | SHALL BE RECORDED BY THE PUBLIC TRUSTEE WITH THE DUPLICATE                              | 53 |
|    |         | CERTIFICATE OF PURCHASE AS REQUIRED BY SECTION 38-38-401."                              | 54 |
|    |         | Page 7, strike lines 16 and 17 and substitute the following:                            | 55 |
|    |         | "OF DEBT IS PRESENTED FOR PAYMENT FOR ANY AMOUNT OTHER THAN A                           | 56 |
|    |         | NOTED DEFICIENCY FOLLOWING".  | 57 |
|    |         | Page 16, line 24, strike "payments." and substitute "payments AND AN                    | 58 |
|    |         | AFFIDAVIT VERIFYING SUCH PAYMENTS."   | 59 |
|    |         | Page 17, line 15, strike "SUBSECTION," and substitute "SECTION,"                        | 60 |
|    |         | Page 19, strike lines 22 and 23 and substitute the following:                           | 61 |
|    |         | "SUBSECTION (2), ANY CONSENSUAL LIENS OR CONSENSUAL INTERESTS IN                        | 62 |
|    |         | THE SOLD PROPERTY SHALL".   | 63 |
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Page 20, line 1, after "OR", insert "CONSENSUAL";  
line 2, strike "CREATED AND".

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

SB 00-213 by Sen. Wattenberg; Rep. Berry--Type 2 Agencies  
Laid on the table.

Senator Blickensderfer moved that the Committee of the Whole rise, report progress and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB 00-1214 by Rep. Decker; Senator Sullivant--Penalty For Firearms Straw Purchasers  
Senator Sullivant moved to amend the Report of the Committee of the Whole to show that HB00-1214, as amended, laid over until later in the day to the top of the General Orders calendar of Tuesday, April 25.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hillman, 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:

SB00-227 and HB00-1381 declared passed on Second Reading.  
SB00-222, as amended; SB00-220, as amended; HB00-1358, as amended; HB00-1201, as amended; HB00-1294, as amended; HB00-1256, as amended, declared passed on Second Reading.  
HB00-1214, as amended, laid over until later in the day to the top of the General Orders calendar of Tuesday, April 25.  
SB00-213 laid on the table.  
SB00-173, HB00-1124, laid over until Wednesday, April 26, retaining their place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that HB00-1098 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 4, line 16, after "IN", insert "SUBPARAGRAPH (II) OF PARAGRAPH (c) OF".

Page 5, line 3, strike "ONLY." and substitute "ONLY, UNLESS THE COMMISSION EXEMPTS ANY INTERMINGLED LANDS FROM SUCH REQUIREMENT.".

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that HB00-1470 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, after line 10, insert the following:



"SECTION 2. 12-60-301 (1) (b), Colorado Revised Statutes, is amended to read:

**12-60-301. Racing commission - creation.** (1) (b) Initial members shall be appointed to the commission by the governor as follows: One member to serve until July 1, 1993, one member to serve until July 1, 1994, one member to serve until July 1, 1995, and two members to serve until July 1, 1996. All subsequent appointments shall be for terms of four years. ~~No member of the commission shall be eligible to serve more than two consecutive terms.~~ "

Renumber succeeding sections accordingly.

Page 3, line 4, strike "12-60-702 (1) (e) (I)," and substitute "12-60-702 (1) (e) (I), (1) (i), (1) (j), and (3),";

line 5, strike "is" and substitute "are";

after line 11, insert the following:

"(i) The proceeds derived from all unclaimed pari-mutuel ~~tickets~~ WAGERS for each greyhound race meet shall be retained by the licensee under whose license such greyhound race meet was held and, after a period of one year following the end of such race meet, shall revert and belong to such licensee and shall be used by the licensee for capital improvements to the track at which the race meet was held.

(j) The proceeds derived from all unclaimed pari-mutuel ~~tickets~~ WAGERS for each simulcast race of greyhounds received by an in-state simulcast facility shall be retained by the operator of such simulcast facility and, after a period of one year following such simulcast race, shall revert and belong to such operator; except that, in the case of simulcast races received from an in-state host track, such proceeds shall be paid to the licensee of such in-state host track within sixty days after the end of the race meet from which the simulcast race was broadcast and, after a period of one year following the end of such race meet, shall revert and belong to such licensee and shall be used by the licensee for capital improvements to the track at which the race meet was held.

(3) Unless expressly authorized by this article, no person may act for consideration as an agent or courier for another person for the purpose of placing wagers or cashing or redeeming winning pari-mutuel ~~tickets~~ WAGERS. In addition to the remedies otherwise provided for violations of this article, the commission may petition any court of competent jurisdiction for an order enjoining a violation of this subsection (3).".

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that SB00-230 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 3, strike "The" and substitute "IN ADDITION TO MONEYS APPROPRIATED TO SUCH FUND BY THE GENERAL ASSEMBLY, the";

line 4, strike "deposited" and substitute "~~deposited~~";

line 6, strike "DEPOSITED";

line 13, strike "to accomplish a purpose set" and substitute "~~to accomplish a purpose set~~";

line 14, strike "forth in" and substitute "~~forth~~ in ACCORDANCE WITH".

Page 3, strike lines 3 through 7;

line 8, strike "(c)" and substitute "(b)";

strike lines 10 and 11 and substitute the following:

"PARAGRAPH (a) OF THIS SUBSECTION (7). THE STATE TREASURER SHALL DEDUCT FIVE MILLION DOLLARS FROM THE WILDLIFE CASH FUND, CREATED IN SUBSECTION (1) OF THIS SECTION, AND TRANSFER SUCH SUM TO THE WILDLIFE HABITAT ACCOUNT. THE INTEREST EARNED ON SUCH FIVE MILLION DOLLARS SHALL BE CONTINUOUSLY APPROPRIATED AND SHALL BE USED SOLELY FOR OPERATION AND".

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB 00-220, 222, 227; SJR 00-017.  
Correctly revised: HB 00-1103, 1201, 1256, 1274, 1294, 1355, 1358, 1381.  
Correctly enrolled: SB00-171.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1455

Judiciary

After consideration on the merits, the committee recommends that the following be referred favorably to the Senate for final action: SJR00-015

Amend printed resolution, page 1, strike line 14, and substitute "WHEREAS, Some speculate that term limits could do serious";

line 15, strike "result in the neglect", and substitute "while others foresee significant benefits in the form of a more genuinely";

strike line 16.

Page 2, line 11, strike "and seven to be" and substitute "four to be";

line 12, after "Senate," insert "and three to be appointed by the Senate Minority Leader,".

Judiciary

After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-216

Judiciary

After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-221

Appropriations

After consideration on the merits, the committee recommends that HB00-1171 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, line 26, strike "(I), (II)," and substitute "(III) TO (V)".

Page 5, line 1, strike "AND (III)";

after line 23, insert the following:

"(II) ANY STATE INCOME TAX MODIFICATION ALLOWED PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (I.5) SHALL BE PUBLISHED IN RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT

OF REVENUE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE INCLUDED IN INCOME TAX FORMS FOR THAT TAXABLE YEAR."

Renumber succeeding subparagraphs accordingly.

Page 6, line 1, strike "2001," and substitute "2000,";

line 2, strike "WILL NOT EXCEED" and substitute "EXCEEDS";

strike lines 4 through 6 and substitute the following:

"FOR THAT FISCAL YEAR BY LESS THAN \_\_\_\_\_ MILLION DOLLARS, AS ADJUSTED PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (1.5), THEN THE STATE INCOME TAX";

after line 9, insert the following:

"(IV) (A) No LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2001, THE EXECUTIVE DIRECTOR SHALL ANNUALLY ADJUST THE DOLLAR AMOUNT SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (1.5) TO REFLECT THE RATE OF GROWTH OF COLORADO PERSONAL INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH SUCH ADJUSTMENT IS MADE. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (A), "THE RATE OF GROWTH OF COLORADO PERSONAL INCOME" MEANS THE PERCENTAGE CHANGE BETWEEN THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE AND THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR PRIOR TO THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE.

(B) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR AMOUNT IN ACCORDANCE WITH SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV), THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS FOR THE ADJUSTMENT. SUCH WRITTEN NOTIFICATION SHALL BE GIVEN WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED, BUT SUCH WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN OCTOBER 1 OF THE CALENDAR YEAR.

(C) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE TO REVIEW AND APPROVE OR DISAPPROVE SUCH ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR. ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT, SUCH AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE COMMITTEE DOES NOT APPROVE OR DISAPPROVE SUCH ADJUSTMENT AFTER THE CONCLUSION OF SUCH HEARING. ANY HEARING CONDUCTED BY THE EXECUTIVE COMMITTEE PURSUANT TO THIS SUB-SUBPARAGRAPH (C) SHALL BE CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

(D) IF THE EXECUTIVE COMMITTEE DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS SUBPARAGRAPH (IV), THE EXECUTIVE COMMITTEE SHALL SPECIFY SUCH ADJUSTED DOLLAR AMOUNT TO BE UTILIZED BY THE EXECUTIVE DIRECTOR. ANY ADJUSTED DOLLAR AMOUNT SPECIFIED BY THE EXECUTIVE COMMITTEE PURSUANT TO THIS SUB-SUBPARAGRAPH (D) SHALL BE CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV).

(E) FOR THE PURPOSE OF DETERMINING WHETHER THE STATE

INCOME TAX MODIFICATION AUTHORIZED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (I.5) IS TO BE ALLOWED IN ANY GIVEN TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED PURSUANT TO SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (IV) OR OTHERWISE SPECIFIED PURSUANT TO SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (IV).".

Renumber succeeding subparagraphs accordingly.

Page 1, line 104, strike "AS";

line 105, strike "ADJUSTED FOR INFLATION".

Appropriations

After consideration on the merits, the committee recommends that HB00-1104 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, line 12, strike "AN INDIVIDUAL" and substitute "A".

Page 4, after line 12, insert the following:

**"SECTION 2. Appropriation - adjustment in 2000 long bill.**  
(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2000, the sum of one hundred forty-four thousand three hundred dollars (\$144,300), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred forty-four thousand three hundred dollars (\$144,300).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred forty-four thousand three hundred dollars (\$144,300).".

Renumber succeeding section accordingly.

Page 1, line 103, strike "PLANS." and substitute "PLANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

Appropriations

After consideration on the merits, the committee recommends that HB00-1140 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 lines 2 through 14, and substitute the following:

**"SECTION 2. Appropriation - adjustment in 2000 long bill.**  
(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, public school finance, total program, for the fiscal year beginning July 1, 2000, the sum of one hundred forty-seven thousand seven hundred sixty-seven dollars (\$147,767), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

|                |  |                                  |
|----------------|--|----------------------------------|
|                | (a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred forty-seven thousand seven hundred sixty-seven dollars (\$147,767).                    | 1<br>2<br>3<br>4                 |
|                | (b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred forty-seven thousand seven hundred sixty-seven dollars (\$147,767).". | 5<br>6<br>7<br>8<br>9            |
| Appropriations | After consideration on the merits, the committee recommends that <u>HB00-1427</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:     | 10<br>11<br>12<br>13             |
|                | Amend reengrossed bill, page 10, line 11, strike "forty-five" and substitute "thirty-five";  | 14<br>15<br>16                   |
|                | line 12, strike "(\$745,485)." and substitute "(\$735,485).";  | 17<br>18                         |
|                | line 16, strike "forty-five" and substitute "thirty-five";   | 19<br>20                         |
|                | line 17, strike "(\$745,485)," and substitute "(\$735,485),".  | 21<br>22<br>23<br>24             |
| Appropriations | After consideration on the merits, the committee recommends that <u>HB00-1183</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:     | 25<br>26<br>27<br>28             |
|                | Amend reengrossed bill, page 15, line 7, strike the first comma and insert "and 1.0 FTE,".   | 29<br>30<br>31<br>32             |
| Appropriations | After consideration on the merits, the committee recommends that <u>HB00-1395</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:     | 33<br>34<br>35<br>36             |
|                | Amend reengrossed bill, page 4, strike lines 12 through 14.  | 37<br>38<br>39<br>40             |
| Appropriations | After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1348</u>   | 41<br>42<br>43<br>44<br>45       |
| Appropriations | After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1053</u>   | 46<br>47<br>48<br>49<br>50       |
| Appropriations | After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1145</u>   | 51<br>52<br>53<br>54<br>55       |
| Transportation | After consideration on the merits, the committee recommends that <u>HB00-1364</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:          | 56<br>57<br>58<br>59             |
|                | Amend reengrossed bill, page 8, line 23, strike "FIVE" and substitute "TWO HUNDRED FIFTY";   | 60<br>61<br>62                   |
|                | line 24, strike "HUNDRED".   | 63<br>64<br>65<br>66             |
| Transportation | After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1479</u>   | 67<br>68<br>69<br>70<br>71<br>72 |

|                     |   |  |
|---------------------|---|--|
| Trans-<br>portation | After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>HB00-1380</u>  | 1<br>2<br>3<br>4<br>5  |
| Judiciary           | The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:<br><br><u>MEMBER OF THE<br/>STATE BOARD OF PAROLE</u><br><br>effective April 17, 2000 for a term expiring July 1, 2001:<br><br>Donald E. Van Pelt of Pueblo West, Colorado, to serve as a representative of the public, as Chairman, and as a Republican, to replace Kent A. "Bo" Cottrell of Aurora, who resigned, appointed.  | 6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19   |
| Judiciary           | After consideration on the merits, the committee recommends that <u>HB00-1463</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:<br><br>Amend reengrossed bill, page 14, line 9, strike "food service establishment," and substitute " <del>food service establishment</del> RETAIL FOOD ESTABLISHMENT,".<br><br>Page 51, strike lines 9 through 15.<br><br>Renumber succeeding sections accordingly.<br><br>Page 64, after line 9, add the following:<br><br>"SECTION 97. 36-1-116 (1), Colorado Revised Statutes, is amended to read:<br><br>36-1-116. Disposition of rentals, royalties, and timber sale proceeds. (1) (a) Proceeds received by the state for the sale of timber on public school lands; rental payments for the use and occupation of the surface of said lands; and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands shall be credited to the <del>public school fund</del> PUBLIC SCHOOL INCOME FUND for distribution as provided by law.<br><br>(b) Royalties and other payments for the depletion or extraction of a natural resource on said lands shall be credited to the <del>public school fund</del> PERMANENT SCHOOL FUND.<br><br>SECTION 98. 39-22-104 (2), Colorado Revised Statutes, is amended to read:<br><br>39-22-104. Income tax imposed on individuals, estates, and trusts - single rate. (2) Prior to the application of the rate of tax prescribed in <del>subsection</del> SUBSECTIONS (1) AND (1.5) of this section, the federal taxable income shall be modified as provided in subsections (3) and (4) of this section.<br><br>SECTION 99. 39-26-402 (2), Colorado Revised Statutes, is amended to read:<br><br>39-26-402. Refund of state sales and use tax - application requirements and procedures. (2) To claim the refund allowed by subsection (1) of this section, a qualified taxpayer shall submit a refund application to the department of revenue on a form provided by the department. Such application shall be submitted no earlier than January 1 and no later than April 1 of the calendar year following the calendar year for which the refund is claimed. The application shall be accompanied by proof of payment of state sales and use taxes paid by the qualified taxpayer in the immediately preceding <del>state fiscal</del> CALENDAR year. The application shall also include any additional information that the department of revenue may require by rule, which may include, | 20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54<br>55<br>56<br>57<br>58<br>59<br>60<br>61<br>62<br>63<br>64<br>65<br>66<br>67<br>68<br>69<br>70<br>71<br>72 |

without limitation, a detailed list of all expenditures that support a claim for a refund, the name and addresses of an individual who maintains records of such expenditures, and a statement that the qualified taxpayer agrees to furnish records of all such expenditures to the department of revenue upon request. No refund shall be allowed if the qualified taxpayer has not complied with this subsection (2).".

**SECTION 100.** 1-1-104 (48), Colorado Revised Statutes, is amended to read:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions ~~which~~ THAT require ownership of real property or land, ownership of a mobile home or manufactured home, as defined in ~~section 5-1-301 (9.7)~~ SECTION 5-1-301 (29), 38-12-201.5 (2), or 42-1-102 (106) (b), C.R.S., is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**SECTION 101.** 5-10-202 (1) (a), (1) (b), (1) (c), (1) (f), and (1) (g), Colorado Revised Statutes, are amended to read:

**5-10-202. Exclusions.** (1) This article shall not apply to, and an agreement ~~which~~ THAT complies with this article is not governed by the provision relating to:

(a) A "consumer credit sale" as that term is defined in ~~section 5-2-104~~ SECTION 5-1-301 (11);

(b) A "consumer lease" as that term is defined in ~~section 5-2-106~~ SECTION 5-1-301 (14);

(c) A "consumer loan" as that term is defined in ~~section 5-3-104~~ SECTION 5-1-301 (15);

(f) A "home solicitation sale" as that term is defined in ~~section 5-2-501~~ SECTION 5-3-401;

(g) A "sale of goods" as that term is defined in ~~section 5-2-105 (4)~~ SECTION 5-1-301 (39);

**SECTION 102.** 5-10-801 (1) (b) and (1) (e), Colorado Revised Statutes, are amended to read:

**5-10-801. Administrator responsibility.** (1) The administrator shall enforce this article. To carry out this responsibility, the administrator shall be authorized to:

(b) Issue and enforce cease and desist or other administrative enforcement orders in the same manner as set forth in ~~section 5-6-108~~ SECTION 5-6-109;

(e) Bring a civil action to restrain a person from violating this article and for other appropriate relief in the same manner as set forth in ~~sections 5-6-110 to 5-6-113~~ SECTIONS 5-6-111 TO 5-6-114; and

**SECTION 103.** 6-1-302 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

**6-1-302. Definitions.** As used in this part 3, unless the context otherwise requires:

(1) "Commercial telephone seller" or "seller" means a person who, in the course of such person's business, vocation, or occupation, on the person's own behalf or on behalf of another person, causes or attempts to cause a commercial telephone solicitation to be made; except that "commercial telephone seller" or "seller" does not include the following:

(e) A supervised financial organization, as defined in ~~section 5-1-301 (17)~~ SECTION 5-1-301 (45), C.R.S., and its employees, when

acting within the scope of their employment;

(f) A supervised lender, as defined in ~~section 5-3-501(2)~~ SECTION 5-1-301 (46), C.R.S., and its employees, when acting within the scope of their employment;

**SECTION 104.** 6-1-708 (1) (a), Colorado Revised Statutes, is amended to read:

**6-1-708. Motor vehicle sales - deceptive trade practices.** (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(a) Commits any of the following acts pertaining to the sale of a motor vehicle or a used motor vehicle:

(I) Guarantees to a purchaser of a motor vehicle or used motor vehicle who conditions such purchase on the approval of a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., that such purchaser has been approved for either a consumer credit sale or a consumer loan if such approval is not final. For purposes of this subparagraph (I), "guarantee" means a written document or oral representation between the purchaser and the person selling the vehicle that leads such purchaser to a reasonable good faith belief that the financing of such vehicle is certain.

(II) Accepts a used motor vehicle as a trade-in on the purchase of a motor vehicle or used motor vehicle and sells such used motor vehicle before the purchaser has been approved for a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., if such approval is a condition of the purchase;

(III) Fails to return to the purchaser any collateral or down payment tendered by such purchaser conditioned upon a guarantee by a motor vehicle or used motor vehicle dealer that a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., has been approved for such purchaser, if such approval was a condition of the sale and if such financing is not approved and the purchaser is required to return the vehicle;

**SECTION 105.** 11-6.5-105 (1), Colorado Revised Statutes, is amended to read:

**11-6.5-105. Conditions for retailers.** (1) Notwithstanding the provisions of section 11-6.5-104, any agreement between a person owning or establishing a communications facility or utilizing a communications facility owned by another and the retailer at whose retail location the facility is operated shall be upon such commercially reasonable terms and conditions as the parties may agree. The parties to such agreement shall not discriminate in price with the intent to destroy or prevent competition in the offering of banking transactions through communications facilities, after making allowance for the differences, if any, in costs. A retailer at whose retail location one or more communications facilities are operated may limit by contract the types of banking transactions performed at each such facility, but, subject to the exceptions in this subsection (1), all such banking transactions, including those involving account overlines, ~~which~~ THAT are performed at each such communications facility shall be made available upon request to all Colorado banks. Banking transactions, other than account overline transactions, that involve a seller or lender credit card or similar arrangement as defined in ~~section 5-1-301(9) and (16)~~ SECTION 5-1-301 (24) AND (43), C.R.S., are excepted from the availability requirement of this subsection (1).

**SECTION 106.** 11-38-105 (3), Colorado Revised Statutes, is amended to read:

**11-38-105. Interest - periodic advances.** (3) The interest rate contracted for in any reverse mortgage shall not exceed the loan finance



charge rates provided by ~~section 5-3-508~~ SECTION 5-2-201, C.R.S., although the effective rate may exceed those rates. Such interest rate shall be calculated on the assumption that the reverse mortgage will be repaid according to the agreed terms and will not be repaid before the end of the agreed term.

**SECTION 107.** 11-38-108 (1) (b), Colorado Revised Statutes, is amended to read:

**11-38-108. Inapplicability of related statutes.** (1) A reverse mortgage may be made or acquired without regard to the following provisions for other types of mortgage transactions set out in the statutes specified in this subsection (1):

(b) Prohibitions on balloon payments pursuant to ~~section 5-3-402~~ SECTION 5-3-208, C.R.S.;

**SECTION 108.** 13-80-101 (1) (g), Colorado Revised Statutes, is amended to read:

**13-80-101. General limitation of actions - three years.** (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within three years after the cause of action accrues, and not thereafter:

(g) All claims under the "Uniform Consumer Credit Code", except ~~section 5-5-202 (6)~~ SECTION 5-5-201 (5), C.R.S.;

**SECTION 109.** 18-15-101 (6) (b), Colorado Revised Statutes, is amended to read:

**18-15-101. Definitions.** As used in this article, unless the context otherwise requires:

(6) (b) The term does not include the charges as a result of additional charges as defined in section 5-2-202, ~~or 5-3-202~~, C.R.S., delinquency charges as defined in section 5-2-203, ~~or 5-3-203~~, C.R.S., deferral charges as defined in section 5-2-204, ~~or 5-3-204~~, C.R.S., similar charges specifically authorized by law, or additional interest charges permitted by section 5-12-107 (3), C.R.S.

**SECTION 110.** 18-15-109 (1) (b), (1) (c) (I), and (1) (c) (II), Colorado Revised Statutes, are amended to read:

**18-15-109. Loan finder - definitions - prohibited fees.** (1) As used in this section, unless the context otherwise requires:

(b) "Loan" has the same meaning as set forth in ~~section 5-3-106~~ SECTION 5-1-301 (25), C.R.S.

(c) "Loan finder" means any person who, directly or indirectly, serves or offers to serve as a lender or as an agent to obtain a loan or who holds himself out as capable of obtaining a loan for any person; except that the following persons shall be exempt from the provisions of this section:

(I) A supervised financial organization, as defined in ~~section 5-1-301 (17)~~ SECTION 5-1-301 (45), C.R.S., and its employees, when acting within the scope of their employment;

(II) A person duly licensed to make supervised loans pursuant to ~~part 5 of article 3~~ PART 3 OF ARTICLE 2 of title 5, C.R.S.;

**SECTION 111.** 24-72-204 (3.5) (c) (VI), Colorado Revised Statutes, is amended to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.** (3.5) (c) The custodian of any records described in paragraph (a) of this subsection (3.5) which concern an individual who has made a request of confidentiality pursuant to this subsection (3.5) and paid any required processing fee shall deny the right of inspection of the individual's address contained in such records on the ground that

disclosure would be contrary to the public interest; except that such custodian shall allow the inspection of such records by such individual, by any person authorized in writing by such individual, and by any individual employed by one of the following entities who makes a request to the custodian to inspect such records and who provides evidence satisfactory to the custodian that the inspection is reasonably related to the authorized purpose of the employing entity:

(VI) A supervised lender licensed pursuant to ~~section 5-3-503~~ SECTION 5-1-301 (46), C.R.S.;

**SECTION 112.** 35-33-304 (3), Colorado Revised Statutes, is amended to read:

**35-33-304. Limitations on contract - delivery.** (3) No contract shall contain any provision whereby the buyer agrees to waive any warranties, rights, or defenses he OR SHE may have under article 2 of title 4, C.R.S., or ~~article 2~~ THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 of title 5, C.R.S.

**SECTION 113.** The introductory portion to 38-39-102 (3.5) (b) (IV) and 38-39-102 (3.5) (b) (V), Colorado Revised Statutes, are amended to read:

**38-39-102. When liens of deeds of trust shall be released.** (3.5) (b) Only the following financial institutions shall be entitled to submit a certification pursuant to paragraph (a) of this subsection (3.5):

(IV) A supervised lender, as defined in ~~section 5-3-501 (2)~~ SECTION 5-1-301 (46), C.R.S., that is licensed to make supervised loans pursuant to ~~section 5-3-503~~ SECTION 5-2-302, C.R.S., and that is either:

(V) An entity in which all of the outstanding voting securities are held, directly or indirectly, by a public entity also owning, directly or indirectly, all of the voting securities of a supervised lender, as defined in ~~section 5-3-501 (2)~~ SECTION 5-1-301 (46), C.R.S., that is licensed to make supervised loans pursuant to ~~section 5-3-503~~ SECTION 5-2-302, C.R.S.;

**SECTION 114.** 38-40-101 (6), Colorado Revised Statutes, is amended to read:

**38-40-101. Mortgage broker fees - escrow accounts - unlawful act - penalty.** (6) As used in this section, unless the context otherwise requires, "mortgage broker" means a person, firm, partnership, association, or corporation, other than a bank, trust company, savings and loan association, credit union, supervised lender as defined in ~~section 5-3-501 (2)~~ SECTION 5-1-301 (46), C.R.S., insurance company, federal housing administration approved mortgagee, land mortgagee, or farm loan association or duly appointed loan correspondents, acting through officers, partners, or regular salaried employees for any such entity, that engages in negotiating or offering or attempting to negotiate for a borrower, and for commission, money, or other thing of value, a loan to be consummated and funded by someone other than the one acting for the borrower.

**SECTION 115.** 38-40-102 (4), Colorado Revised Statutes, is amended to read:

**38-40-102. Disclosure of costs - statement of terms of indebtedness.** (4) The provisions of this section shall not apply to a loan to be made by a bank, trust company, savings and loan association, credit union, federal housing administration approved mortgagee, or supervised lender as defined in ~~section 5-3-501 (2)~~ SECTION 5-1-301 (46), C.R.S., ~~which~~ THAT will be secured by a mortgage or deed of trust other than a first mortgage or deed of trust having priority as a lien on the real property over any other mortgage or deed of trust."

Renumber succeeding section accordingly.

MESSAGES FROM THE HOUSE

April 25, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1482, 1481, 1490

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1454, amended as printed in House Journal, April 24, pages 1658-1659.  
HB00-1472, amended as printed in House Journal, April 24, pages 1659-1662.  
HB00-1478, amended as printed in House Journal, April 24, page 1660, and amended on Third Reading as printed in House Journal April 24.  
HB00-1464, amended as printed in House Journal, April 24, pages 1660-1661.  
HB00-1034, amended as printed in House Journal, April 24, page 1665.  
HB00-1475, amended as printed in House Journal, April 24, page 1665.  
HB00-1476, amended as printed in House Journal, April 24, page 1665.  
HB00-1486, amended as printed in House Journal, April 24, page 1666.  
HB00-1219, amended as printed in House Journal, April 24, page 1666.  
HB00-1466, amended as printed in House Journal, April 24, page 1666.  
HB00-1483, amended as printed in House Journal, April 24, page 1680.  
HB00-1468, amended as printed in House Journal, April 24, pages 1686-1687.

The House has passed on Third Reading and returns herewith SB00-135, 202, 074, 212, & 148.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB00-124, amended as printed in House Journal, April 24, pages 1667-1668.  
SB00-071, amended as printed in House Journal, April 24, pages 1668-1670.  
SB00-178, amended as printed in House Journal, April 24, page 1682.  
SB00-172, amended as printed in House Journal, April 24, pages 1682-1685.  
SB00-018, amended as printed in House Journal, April 24, page 1687.  
SB00-022, amended as printed in House Journal, April 24, pages 1687-1688.  
SB00-023, amended as printed in House Journal, April 24, page 1688.  
SB00-050, amended as printed in House Journal, April 24, page 1689.  
SB00-094, amended as printed in House Journal, April 24, page 1689.  
SB00-145, amended as printed in House Journal, April 24, pages 1689-1690.  
SB00-156, amended as printed in House Journal, April 24, page 1690.  
SB00-196, amended as printed in House Journal, April 24, pages 1690-1691.  
SB00-197, amended as printed in House Journal, April 24, page 1691.  
SB00-015, amended as printed in House Journal, April 24, page 1692.

April 25, 2000

Mr. President:

The House has adopted and transmits herewith HJR00-1029, as printed in House Journal, April 25.

The House has adopted and returns herewith SJR00-017, 011.

MESSAGE FROM THE REVISOR

April 25, 2000

We herewith transmit:

without comment, HB00-1481, 1482, 1490, and;  
without comment, as amended, HB00-1034, 1454, 1464, 1466, 1468, 1472, 1475, 1476, 1478, 1483, 1486, and;  
without comment, as amended, SB00-015, 018, 022, 023, 050, 071, 094, 124, 145, 156, 178, 172, 196, 197, and;  
with comment, as amended, HB00-1219.

**INTRODUCTION OF BILLS**

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

- HB    00-1034    by Representatives Kester, Leyba and Tool; also Senators Wham, Anderson and Martinez--Concerning the creation of community-based management pilot programs for persons with mental illness who are involved in the criminal justice system, and making an appropriation in connection therewith.  
                    Health, Environment, Welfare & Institutions  
                    Appropriations
- HB    00-1219    by Representatives Decker, Bacon, Stengel, Swenson and Williams S.; also Senator Dennis--Concerning accreditation by the state board of education.  
                    Education
- HB    00-1464    by Representative Allen; also Senator Owen--Concerning students admitted to institutions of higher education.  
                    Education
- HB    00-1466    by Representative Stengel; also Senator Blickensderfer--Concerning insurance fraud.  
                    Business Affairs & Labor
- HB    00-1472    by Representative George; also Senator Powers--Concerning public disclosure of certain information pertaining to electoral activity by issue committees for purposes of satisfying the reporting requirements of the "Fair Campaign Practices Act".  
                    State, Veterans, & Military Affairs
- HB    00-1475    by Representatives Tool, Hefley, Alexander, Chavez, Clarke, Hagedorn, Hoppe, Kaufman, Kester, Lawrence, Leyba, Morrison, Saliman and Tochtrop; also Senators Lacy, Linkhart and Reeves--Concerning reimbursement to federally qualified health centers for the total amount of reasonable costs of providing health care services to recipients of medicaid assistance, and making an appropriation in connection therewith.  
                    Health, Environment, Welfare & Institutions  
                    Appropriations
- HB    00-1476    by Representative Dean; also Senator Owen--Concerning the use of moneys allocated from the employment support fund for existing programs in the department of labor and employment.  
                    Business Affairs & Labor  
                    Appropriations
- HB    00-1478    by Representatives Dean, Morrison, Alexander, Allen, Clarke, Gordon, Hefley, Keller, Stengel and Williams T.; also Senator Wham--Concerning health care coverage parity for prosthetic devices.  
                    Health, Environment, Welfare & Institutions
- HB    00-1481    by Representative George; also Senator Powers--Concerning enactment of a pilot project that encourages reporting under the Colorado environmental self-audit law.  
                    State, Veterans, & Military Affairs
- HB    00-1482    by Representative Mitchell; also Senator Arnold--Concerning the authority of a city that has been authorized to become a city and county pursuant to an amendment to the state constitution that has been approved by the registered electors of the state of Colorado to form a local improvement district to provide certain improvements in the district.  
                    Local Government
- HB    00-1483    by Representatives Larson, Dean, George, Hoppe, Johnson, Kester, McKay, Miller, Smith, Spradley, Stengel, Swenson, Taylor, Webster and Young; also Senator Wattenberg--Concerning the creation of a predator management plan by the division of wildlife, and, in connection therewith, creating a predator management advisory committee and making an appropriation.  
                    Agriculture, Natural Resources, and Energy  
                    Appropriations
- HB    00-1486    by Representatives Taylor and Larson; also Senator Dyer--Concerning the use of the petroleum storage tank fund related to storage tank safety, and, in connection therewith, allowing payment from the fund for facility inspections and meter calibrations and reducing the fee for certain tank truckloads.  
                    Agriculture, Natural Resources, and Energy  
                    Appropriations

HB 00-1490 by Representatives George, May, Swenson, Gotlieb, Larson, Mace, McElhany, Nunez, Ragsdale, Williams S. and Witwer; also Senator Powers--Concerning a modification in the requirement that the department of transportation spend the state sales and use tax revenues attributable to sales or use tax on vehicles and related items for the implementation of the strategic transportation project investment program so that at least ninety percent of such revenues are expended for highway or highway-related purposes. Appropriations

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR 00-1029 by Representatives Morrison, Gotlieb, Gordon, Saliman, Grossman, Alexander, Bacon, Clarke, Fairbank, George, Johnson, Kaufman, Keller, Larson, Lawrence, Leyba, Mace, Miller, Mitchell, Pfiffner, Swenson, Tate, Tool, and T. Williams; also Senator Perlmutter--Concerning the declaration of holocaust awareness week. (Printed in House Journal, April 25.)

Laid over one day under Senate Rule 30(e), and placed on the calendar of Wednesday, April 26.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB00-1208

\*\*\*\*\*  
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 HB00-1208, concerning limitations on civil actions regarding firearms, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, line 19, strike "OR A FIREARMS TRADE ASSOCIATION"; line 21, strike "DEALER, OR ASSOCIATION" and substitute "OR DEALER".

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

Amend rerevised bill, page 1, line 8, strike "OR AGAINST ANY".

Page 2, line 1, strike "FIREARMS TRADE ASSOCIATION";

line 5, strike "OR A FIREARMS TRADE";

line 6, strike "ASSOCIATION";

line 11, strike "OR AGAINST ANY";

line 12, strike "FIREARMS TRADE ASSOCIATION".

Page 3, line 18, strike the third "OR";

line 19, strike "FIREARMS TRADE ASSOCIATION".

Respectfully submitted,

House Committee:  
(Signed)  
Rep. Lauri Clapp, Chairman  
Rep. Doug Dean  
Rep. Carl Miller

Senate Committee:  
(Signed)  
Sen. Ronald J. Teck, Chairman  
Sen. Mark Hillman  
Sen. Alice Nichol

SIGNING OF BILLS

The President has signed: SB00-171.

The President has signed: HB00-1070.

SENATE SERVICES REPORT

Senate Services To the governor for signature on Tuesday, April 25, 2000, at 3:30 pm: SB 00-171.

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

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, HB00-1012, HB00-1306, HB00-1069, HB00-1153, HB00-1235 were advanced on the General Orders calendar.

HB 00-1012 by Rep. Swenson; Senator Dyer--Recouping License Plate Mailing Costs

Amendment No. 1, Transportation Committee Amendment (Printed in Senate Journal, March 3, page 474.)

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

HB 00-1069 by Rep. Smith; Senator Dennis--Remote Weather Systems For Aircraft

Amendment No. 1, Appropriations Committee Amendment (Printed in Senate Journal, April 17, pages 1007-1008.)

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

HB 00-1153 by Rep. Swenson; Senator Arnold--Eliminated Privileges For Warrants

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

HB 00-1235 by Rep. Lee; Senator Arnold--Fingerprinting Of Juveniles

Amendment No. 1, Judiciary Committee Amendment (Printed in Senate Journal, March 7, pages 540-541.)

Amendment No. 2, Appropriations Committee Amendment (Printed in Senate Journal, April 17, page 1009.)

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

HB 00-1214 by Rep. Decker; Senator Sullivant--Penalty For Firearms Straw Purchasers  
(Amended in General Orders as printed in Senate Journal, April 25, page 1109.)

Amendment No. 1, by Senator Sullivant

Amend reengrossed bill, page 2, strike lines 6 through 9.

Amend the Judiciary committee amendment, as printed in Senate Journal,  
March 22, page 709, line 24, strike ""(3)";" and substitute ""(2)";";

line 26, strike ""(3)"." and substitute ""(2)"."

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

HB 00-1247 by Rep. Fairbank; Sen. Sullivant--Permitting Juvenile To Possess Handgun

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

HB 00-1259 by Rep. McPherson; Senator Teck--Reduce State Sales & Use Tax Rate  
(Amended in Special Orders as printed in Senate Journal, April 25, page 1107.)

Amendment No. 1, Appropriations Committee Amendment  
(Printed in Senate Journal, April 24, pages 1089-1091.)

Amendment No. 2, by Senator Teck

Amend the Appropriations committee amendment, as printed in Senate  
Journal, April 24, page 1091, line 31, strike "JANUARY" and substitute  
"FEBRUARY".

As amended, ordered revised and placed on the calendar for Third Reading and Final  
Passage. (For further action, see page 1128, where the Wattenberg amendment to the  
Report of the Committee of the Whole was adopted.)

HB 00-1365 by Rep. Hefley; Senator Lamborn--Clarification Regarding Monument Dam

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment  
(Printed in Senate Journal, March 16, page 646.)

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

HB 00-1255 by Rep. Alexander; Sen. Chlouber--DOW Raffle Deer, Elk, Antelope Licenses

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment  
(Printed in Senate Journal, March 24, page 749.)

Amendment No. 2, Appropriations Committee Amendment  
(Printed in Senate Journal, April 17, page 1009.)

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

|    |         |  |    |
|----|---------|--|----|
| HB | 00-1083 | by Rep. Berry; Senator Owen--Work Force Investment Act   | 1  |
|    |         | <u>Amendment No. 1, Appropriations Committee Amendment</u>   | 2  |
|    |         | (Printed in Senate Journal, April 17, pages 1009-1010.)  | 3  |
|    |         | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.  | 4  |
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|    |         |  | 9  |
|    |         |  | 10 |
| HB | 00-1306 | by Rep. McPherson; Sen. Teck--Brownfield Redevelopment Incentives  | 11 |
|    |         | Senate in recess.  | 12 |
|    |         | Senate reconvened.   | 13 |
|    |         | <u>Amendment No. 1, Finance Committee Amendment</u>  | 14 |
|    |         | (Printed in Senate Journal, March 22, page 708.)   | 15 |
|    |         | <u>Amendment No. 2, Appropriations Committee Amendment</u>   | 16 |
|    |         | (Printed in Senate Journal, April 17, page 1007.)  | 17 |
|    |         | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.  | 18 |
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|    |         |  | 28 |
| HB | 00-1343 | by Rep. Leyba; Sen. Reeves--Prohibiting Fraud Against At-Risk Adults   | 29 |
|    |         | <u>Amendment No. 1, Judiciary Committee Amendment</u>  | 30 |
|    |         | (Printed in Senate Journal, March 9, page 569.)  | 31 |
|    |         | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.  | 32 |
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|    |         |  | 38 |
| HB | 00-1142 | by Rep. Witwer; Sen. Arnold--Require Mufflers On Jake Brakes   | 39 |
|    |         | Ordered revised and placed on the calendar for Third Reading and Final Passage.  | 40 |
|    |         |  | 41 |
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| HB | 00-1298 | by Rep. Swenson; Senator Weddig--Seasonal Auto Insurance   | 45 |
|    |         | <u>Amendment No. 1, Transportation Committee Amendment</u>   | 46 |
|    |         | (Printed in Senate Journal, March 6, page 491.)  | 47 |
|    |         | <u>Amendment No. 2, Appropriations Committee Amendment</u>   | 48 |
|    |         | (Printed in Senate Journal, April 17, pages 1010-1011.)  | 49 |
|    |         | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.  | 50 |
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|    |         |  | 58 |
|    |         | On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, SB00-225 was advanced on the General Orders calendar. | 59 |
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|    |         |  | 64 |
| SB | 00-225  | by Sen. Wattenberg; Rep. Stengel--Landowners & Public Highway Authority  | 65 |
|    |         | <u>Amendment No. 1, Transportation Committee Amendment</u>   | 66 |
|    |         | (Printed in Senate Journal, April 19, page 1062.)  | 67 |
|    |         | <u>Amendment No. 2, by Senator Wattenberg</u>  | 68 |
|    |         | Amend the Transportation Committee amendment, as printed in Senate   | 69 |
|    |         |  | 70 |
|    |         |  | 71 |
|    |         |  | 72 |



Journal, April 19, page 1062, strike lines 23 and 24 and substitute the following:

"line 19, strike "INCLUDING, WITHOUT LIMITATION, SUCH" and substitute "INCLUDING SUCH";

line 20, strike "COSTS." and substitute "COSTS WHERE SUCH OWNER HAS PREVAILED IN ANY ACTION BROUGHT TO DETERMINE THE AMOUNT OF THE COMPENSATION OR RELOCATION DAMAGES TO WHICH SUCH OWNER IS ENTITLED."."

Amendment No. 3, by Senator Wattenberg

Amend the Transportation Committee amendment, as printed in Senate Journal, April 19, page 1062, strike lines 23 and 24 and substitute the following:

"line 19, strike "INCLUDING, WITHOUT LIMITATION, SUCH" and substitute "INCLUDING SUCH".".

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

The following bills on the General Orders calendar of Tuesday, April 25, were laid over until Wednesday, April 26, retaining their place on the calendar:

HB00-1446, HB00-1417, HB00-1345, HB00-1178, HB00-1065, HB00-1420, HB00-1086, HB00-1323, HB00-1093, HB00-1116, HB00-1375, HB00-1422, HB00-1330, SCR00-007, HB00-1437, HB00-1434, HB00-1136, HB00-1474, HB00-1460, HB00-1465, HB00-1456, HB00-1467, HB00-1433, SCR00-010, HB00-1394.

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

HB 00-1214 by Rep. Decker; Senator Sullivant--Penalty For Firearms Straw Purchasers

Senator Thiebaut moved to amend the Report of the Committee of the Whole to show that the following Thiebaut floor amendment to HB00-1214, as amended, did pass:

Strike the second Judiciary committee amendment, as printed in Senate Journal, March 22, page 709, lines 16 through 28 and substitute the following:

"Amend reengrossed bill, page 1, strike lines 2 through 8.

Page 2, strike lines 1 through 19 and substitute the following:

"**SECTION 1.** Article 12 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-12-111. Unlawful purchase of firearms.** (1) ANY PERSON WHO KNOWINGLY PURCHASES OR OTHERWISE OBTAINS A FIREARM ON BEHALF OF OR FOR TRANSFER TO A PERSON WHO IS INELIGIBLE TO POSSESS OR PURCHASE A FIREARM PURSUANT TO FEDERAL OR STATE LAW COMMITS A CLASS 3 FELONY.

(2) (a) ANY PERSON WHO IS A LICENSED DEALER, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (11), SHALL POST A SIGN DISPLAYING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION IN A MANNER THAT IS EASILY READABLE. THE PERSON SHALL POST SUCH SIGN IN AN AREA THAT IS VISIBLE TO THE PUBLIC AT EACH LOCATION FROM WHICH THE PERSON SELLS FIREARMS TO THE GENERAL PUBLIC.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION (2) COMMITS A CLASS 3 MISDEMEANOR."."

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

| YES            | 13 | NO        | 21 | EXCUSED    | 0 | ABSENT        | 1 |
|----------------|----|-----------|----|------------|---|---------------|---|
| Anderson       | N  | Evans     | N  | Musgrave   | N | Tanner        | Y |
| Andrews        | N  | Feeley    | A  | Nichol     | N | Tebedo        | N |
| Arnold         | N  | Hernandez | Y  | Owen       | N | Teck          | N |
| Blickensderfer | N  | Hillman   | N  | Pascoe     | Y | Thiebaut      | Y |
| 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 |               |   |

HB 00-1259 by Rep. McPherson; Senator Teck--Reduce State Sales & Use Tax Rate

Senator Wattenberg moved to amend the Report of the Committee of the Whole to show that the following floor amendment to HB00-1259, as amended, did pass:

Amend the reengrossed bill, page 4, before line 14, insert the following:

"SECTION 4. 39-28.5-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-28.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(4) "MOIST SNUFF" MEANS ANY FINELY CUT, GROUND, OR POWDERED TOBACCO THAT IS INTENDED TO BE PLACED IN THE ORAL CAVITY, BUT SHALL NOT INCLUDE DRY SNUFF."

**SECTION 5.** The introductory portion to 39-28.5-102 (1), Colorado Revised Statutes, is amended, and the said 39-28.5-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**39-28.5-102. Tax levied.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, there is levied and shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of twenty percent of the manufacturer's list price of such tobacco products. Such tax shall be imposed at the time the distributor:

(2) THERE IS LEVIED AND SHALL BE COLLECTED A TAX UPON THE SALE, USE, CONSUMPTION, HANDLING, OR DISTRIBUTION OF MOIST SNUFF IN THIS STATE AT THE RATE OF THIRTY-SEVEN CENTS (\$.37) PER OUNCE OF MOIST SNUFF, WITH A PROPORTIONATE TAX AT THE LIKE RATE ON ALL FRACTIONAL PARTS OF AN OUNCE OF MOIST SNUFF. FOR PURPOSES OF THE TAX ON MOIST SNUFF, THE TAX SHALL BE COMPUTED BASED ON THE NET WEIGHT AS LISTED BY MANUFACTURER. SUCH TAX SHALL BE IMPOSED AT THE TIME THE DISTRIBUTOR:

(a) BRINGS, OR CAUSES TO BE BROUGHT, INTO THIS STATE FROM WITHOUT THE STATE MOIST SNUFF FOR SALE;

(b) MAKES, MANUFACTURES, OR FABRICATES MOIST SNUFF IN THIS STATE FOR SALE IN THIS STATE; OR

(c) SHIPS OR TRANSPORTS MOIST SNUFF TO RETAILERS IN THIS STATE TO BE SOLD BY THOSE RETAILERS."

Renumber succeeding sections accordingly.

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

| YES            | 33 | NO        | 1 | EXCUSED    | 0 | ABSENT        | 1 |
|----------------|----|-----------|---|------------|---|---------------|---|
| Anderson       | Y  | Evans     | Y | Musgrave   | Y | Tanner        | Y |
| Andrews        | Y  | Feeley    | A | 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        | N |
| Dennis         | Y  | Linkhart  | Y | Reeves     | Y | Wham          | Y |
| Dyer           | Y  | Martinez  | Y | Rupert     | Y | Mr. President | Y |
| Epps           | Y  | Matsunaka | Y | Sullivant  | Y |               |   |

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hillman, 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:

HB00-1153, HB00-1247, HB00-1142 declared passed on Second Reading.  
SB00-225, as amended; HB00-1012, as amended; HB00-1069, as amended; HB00-1235, as amended; HB00-1214, as amended; HB00-1259, as amended; HB00-1365, as amended; HB00-1255, as amended; HB00-1083, as amended; HB00-1306, as amended;  
HB00-1343, as amended; HB00-1298 as amended, declared passed on Second Reading.  
HB00-1446, HB00-1417, HB00-1345, HB00-1178, HB00-1065, HB00-1420, HB00-1086, HB00-1323, HB00-1093, HB00-1116, HB00-1375, HB00-1422, HB00-1330, SCR00-007, HB00-1437, HB00-1434, HB00-1136, HB00-1474, HB00-1460, HB00-1465, HB00-1456, HB00-1467, HB00-1433, SCR00-010, HB00-1394 laid over until Wednesday, April 26, retaining their place on the calendar.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 36(c) was suspended 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, HB00-1280 and HB00-1063 were made Special Orders at 7:26 p.m.

Committee of the Whole      The hour of 7:26 p.m. having arrived, Senator Hillman moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Hillman was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS--7:26 P.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 00-1280 by Rep. Berry; Senator Owen--Colo State Patrol Prevailing Total Comp  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1063 by Rep. Young; Sen. Sullivant--Tax Credit Health Care Shortage Areas

Amendment No. 1, Finance Committee Amendment  
(Printed in Senate Journal, April 17, pages 1023-1025.)

Amendment No. 2, by Senator Sullivant

Amend the Finance Committee amendment, as printed in Senate Journal, April 17, page 1023, after line 46, insert the following:

"Page 5, line 14, strike "SUBSECTION (3)" and substitute "SUBSECTIONS (3), (4), AND (5)".

Page 6, strike lines 1 through 5 and substitute the following:

"YEAR SHALL NOT BE CARRIED FORWARD AND USED AS A CREDIT AGAINST THE TAXPAYER'S SUBSEQUENT YEARS' INCOME TAX LIABILITY AND SHALL BE REFUNDED TO THE INDIVIDUAL.";

line 48 of the journal, strike "Page 6,";

strike lines 50 through 62 of the journal;

line 64, strike "(10)" and substitute ""(9)".

Renumber succeeding subsections accordingly.

Page 1023, line 67, strike "ENDING IN ANY INCOME TAX YEAR";

line 72, strike "(11)" and substitute "(10)".

Page 1024, line 8, strike "(11)" and substitute "(10)";

line 25, strike "(11)," and substitute "(10),";

line 52, strike "(11)," and substitute "(10),";

line 57, strike "(11)." and substitute "(10).";

line 63, strike "(11)" and substitute "(10)";

line 64, strike "(11)." and substitute "(10).".

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Hillman, 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:

HB00-1280 declared passed on Second Reading.  
HB00-1063, 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 Tuesday, April 25, was laid over until Wednesday, April 26, retaining its place on the calendar.

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Wednesday, April 26, 2000.

Approved:

Ray Powers  
President of the Senate

Attest:

Patricia K. Dicks  
Secretary of the Senate