

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

92nd Legislative DayWednesday, April 5, 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, 29.
Absent/Excused--Hernandez, Lacy, Linkhart, Rupert, Tanner, Thiebaut--Total, 6.
Present later--Hernandez, Lacy, Linkhart, Rupert, Tanner, Thiebaut.
- Quorum
- The President announced a quorum present.
- Reading of Journal
- On motion of Senator Dyer, reading of the Journal of Tuesday, April 4th was dispensed with and the Journal stands approved as corrected by the Secretary.

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 00-170 by Sen. Tanner; Rep. Johnson--Appropriation For Historic Dearfield

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

YES	32	NO	1	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	E	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: Blickensderfer, Chlouber, Dyer, Feeley, Hillman, Linkhart, Martinez, Musgrave, Nichol, Owen, Pascoe, Reeves, Rupert, Weddig.

SB 00-020 by Sen. Linkhart; Rep. Lawrence--Include Kids In School-based Clinics

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

YES	24	NO	9	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	Y	Hernandez	E	Owen	N	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
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: Perlmutter, Rupert.

SB

00-148

by Sen. Evans; Rep. McPherson--Physicians' Freedom To Practice

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	N	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	E	Perlmutter	Y	Wattenberg	Y
Congrove	N	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	Sullivant	Y		

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

SB

00-205

by Sen. Wattenberg; Rep. Smith--Agricultural Damage Caused By Wildlife

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	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

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

Co-sponsor added: Dyer, Powers.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SJR 00-014; SR 00-007.

Correctly enrolled: SB 00-024, 057, 065, 191.

SIGNING OF BILLS

The President has signed: SB00-191

The President has signed: SB00-024, 057, 065.

SENATE SERVICES REPORT

Senate Services

To the governor for signature on Wednesday, April 5, 2000, at 8:30 a.m:
SB 00-191.

INTRODUCTION OF BILL

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

SB

00-214

by Senator Wattenberg--Concerning a requirement that a specified percentage of the signatures required on an initiative petition shall be from each of four areas within the state.
Business Affairs & Labor

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB00-1105

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB00-1105, concerning the fastening of temporary motor vehicle registration identification to the vehicle, has met and reports that it has agreed upon the following:

That the Senate recede from its amendments made to bill, as said amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

Amend reengrossed bill, page 3, line 12, strike "DIRECT" and substitute "ACTUAL".

Respectfully submitted,

House Committee:	Senate Committee:
(Signed)	(Signed)
Rep. Ken Kester, Chairman	Sen. Ken Arnold, Chairman
Rep. Joseph Stengel	Sen. John Andrews, Jr.
Rep. Carl Miller	Sen. Ed Perlmuter

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB00-1138

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB00-1138, concerning limitations on civil liability of foster care providers for the actions of the foster children in their care, has met and reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

Amend reengrossed bill, page 2, line 5, strike "PARENT OF A" and substitute "OR ADOPTIVE PARENT OR OTHER RELATIVE OF THE";

line 8, strike "AWARD" and substitute "COMPENSATION";

line 11, strike "THE TRUST OFFICERS OF THE" and substitute "THE AMOUNT SO DEPOSITED SHALL BE SUBJECT TO THE JURISDICTION AND OVERSIGHT OF THE COURT HAVING PROBATE JURISDICTION.";

strike lines 12 through 18.

Respectfully submitted,

House Committee:	Senate Committee:
(Signed)	(Signed)
Rep. Joseph Stengel, Chairman	Sen. Dottie Wham, Chairman
Rep. Lynn C. Hefley	Sen. John Evans
Rep. Gloria Leyba	Sen. Doug Linkhart

Committee of the Whole On motion of Senator Dennis, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Dennis 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, SB00-85, SB00-163, SB00-007, were advanced to follow SB00-175 on the General Orders calendar.

SB 00-049 by Sen. Feeley; Rep. Tate--Special Ed Children With Disabilities
Laid over until Thursday, April 6, retaining its place on the calendar.

SB 00-197 by Sen. Wattenberg; Rep. George--Utility Siting Of Electrical Facility
(Amended in General Orders as printed in Senate Journal, March 24, page 732.)

Amendment No. 1, by Senator Wattenberg

- Amend printed bill, page 2, strike lines 17 through 25.
- Re-number succeeding subsection accordingly.
- Page 3, strike lines 12 through 26.
- Strike page 4.
- Page 5, strike lines 1 through 7.
- Re-number succeeding sections accordingly.

Amendment No. 2, by Senators Phillips and Sullivant

- Amend printed bill, page 2, line 16, after the period, add the following:
"NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO SUPERSEDE ANY TIMELINE SET BY A LOCAL GOVERNMENT BY REGULATION, RESOLUTION, OR ORDINANCE PRIOR TO JULY 1, 2000."

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

SB 00-193 by Sen. Teck; Rep. McPherson--Dept Of Rev Organization
Amendment No. 1, Appropriations Committee Amendment
(Printed in Senate Journal, March 28, page 769.)

Amendment No. 2, by Senator Teck

- Amend printed bill, page 2, line 5, strike "GROUPS AND";
- strike lines 7 through 9 and substitute the following:
"(I) Division of enforcement;

(II) ~~Motor vehicle division~~;"

line 24, strike "TAX GROUP OF THE DEPARTMENT." and substitute "DEPARTMENT OF REVENUE."

Page 3, line 2, strike "MOTOR VEHICLE" and substitute "DEPARTMENT OF REVENUE.";

strike line 3.

strike lines 4 through 26.

Page 4, strike lines 1 through 17.

Renumber succeeding sections accordingly.

line 21, strike "GROUPS AND".

Page 5, line 23, strike "GROUPS OR" and substitute "THE";

line 25, strike "amended" and substitute "repealed as follows:";

strike line 26.

Page 6, strike lines 1 through 15 and substitute the following:

"24-35-107. Division of enforcement - deputy director of revenue appointed. (1) ~~The executive director of the department of revenue shall create within the department of revenue a division of enforcement. No member of the staff of this division shall receive any payment of state taxes.~~

(2) ~~The head of the division of enforcement shall be the deputy director of revenue, who shall be appointed by the executive director with the approval of the governor in the manner provided in section 24-35-103. He shall receive a salary in such amount as may be fixed by the executive director, with the approval of the governor, within the limits of the appropriation to the department of revenue by the general assembly."~~

strike lines 19 through 23 and substitute the following:

"24-35-108. Functions of department of revenue - collection of state taxes. (1) IN ADDITION TO ANY FUNCTION SPECIFIED IN THIS ARTICLE, the functions of the ~~division of enforcement~~ DEPARTMENT OF REVENUE and the duties of the ~~deputy director of revenue, under the~~ executive director of the department of revenue as the head of said ~~division~~ DEPARTMENT OR OF THE HEAD OF A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE are:".

Page 7, line 1, strike "GROUP" and substitute "DEPARTMENT OF REVENUE";

line 2, strike "division" and substitute "~~division~~ DEPARTMENT OF REVENUE";

strike line 8 and substitute the following:

~~"executive director of the department of revenue and the governor, rules";~~

strike line 10 and substitute the following:

~~"department of revenue and the division of enforcement but";~~

strike lines 14 and 15 and substitute the following:

~~"division of enforcement by the executive director of the department of revenue or by law concerning the enforcement and";~~

strike lines 19 and 20 and substitute the following:

~~"executive director specifically authorizes the deputy director~~ HEAD OF A

GROUP, DIVISION, OR SUBORDINATE DEPARTMENT to act on his OR HER behalf FOR THE PURPOSES DESCRIBED IN THIS SECTION. ". 1
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Page 8, strike lines 3 through 5 and substitute the following: 4
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"~~his deputy~~ A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD 6
APPOINTED PURSUANT TO THIS ARTICLE, it is lawful for the executive 7
director or ~~his deputy through the division of enforcement~~ SUCH GROUP, 8
DIVISION, OR SUBORDINATE DEPARTMENT HEAD, to collect the whole of 9
said tax or". 10

Page 9, strike lines 10 through 26. 11
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Page 10, strike lines 1 through 17. 13
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Renumber succeeding sections accordingly. 15
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Page 11, line 3, strike "the motor" and substitute "~~the motor~~"; 17
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line 4, strike "vehicle ~~division~~ GROUP of" and substitute "~~vehicle division~~ 19
of"; 20
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line 8, strike "motor vehicle" and substitute "~~motor vehicle~~"; 22
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line 9, strike "GROUP in the" and substitute "~~in the~~"; 24
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line 25, strike "MOTOR VEHICLE GROUP OF"; 26
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line 26, strike "THE". 28
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Page 12, line 9, strike "MOTOR VEHICLE GROUP OF THE"; 30
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line 17, strike "MOTOR VEHICLE"; 32
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line 18, strike "GROUP OF THE"; 34
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line 23, strike "the motor vehicle" and substitute "~~the motor vehicle~~"; 36
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line 24, strike "GROUP of" and substitute "of". 38
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Page 13, line 8, strike "MOTOR VEHICLE"; 40
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line 9, strike "GROUP OF THE"; 42
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strike line 24 and substitute the following: 44
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"revenue. ~~through the division of motor vehicles~~". 46
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Page 14, line 5, strike "the motor vehicle" and substitute "~~the motor~~ 48
vehicle"; 49
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line 6, strike "GROUP of" and substitute "of"; 51
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line 18, strike "the motor vehicle ~~division~~ GROUP of" and substitute "~~the~~ 53
~~motor vehicle division~~ of". 54
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Page 15, line 24, strike "the motor vehicle ~~division~~ GROUP of" and 56
substitute "~~the motor vehicle division~~ of". 57
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Page 16, line 20, strike "of the motor vehicle ~~division~~ GROUP" and 59
substitute "~~of the motor vehicle division~~". 60
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Page 17, line 9, strike "the motor vehicle ~~division~~ GROUP" and substitute 62
"~~the motor vehicle division~~"; 63
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line 10, strike "of" and substitute "of"; 65
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after line 15, insert the following: 67
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"SECTION 18. 39-21-101 (2), Colorado Revised Statutes, is 69
amended to read: 70
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39-21-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Executive director" or "executive director of the department of revenue" means the executive director of the department of revenue and includes the ~~deputy director of revenue~~ HEAD OF ANY GROUP, DIVISION, OR SUBORDINATE DEPARTMENT, as appointed in accordance with article 35 of title 24, C.R.S., whenever the executive director specifically authorizes the ~~deputy director~~ GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD to act on his OR HER behalf.

SECTION 19. 39-21-113 (4) (b), Colorado Revised Statutes, is amended to read:

39-21-113. Reports and returns. (4) (b) Nothing in this section shall be construed to prohibit the delivery to a person or his OR HER duly authorized representative of a copy of any return or report filed in connection with his OR HER tax. Such copies may be certified by the executive director of the department of revenue or ~~his deputy or agent~~ THE HEAD OF ANY GROUP, DIVISION, OR SUBORDINATE DEPARTMENT, AS APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH ARTICLE 35 OF TITLE 24, C.R.S., and when so certified shall be evidence equally with and in like manner as the originals and may be received by the courts of this state as evidence of the contents of the originals.

SECTION 20. 39-23-102 (8), Colorado Revised Statutes, is amended to read:

39-23-102. Definitions. As used in this article, unless the context otherwise requires:

(8) "Executive director" means the executive director of the department of revenue and the ~~deputy director of revenue~~ HEAD OF ANY GROUP, DIVISION, OR SUBORDINATED DEPARTMENT, as appointed in accordance with article 35 of title 24, C.R.S., whenever the executive director specifically authorizes the ~~deputy director~~ GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD to act on his OR HER behalf."

Renumber succeeding sections accordingly.

Page 17, line 16, strike "amended, and the said" and substitute "amended to read:";

strike lines 17 and 18.

strike lines 21 through 26 and substitute the following:

"(96) "State motor vehicle licensing agency" means ~~the motor vehicle division~~ of the department of revenue.

(102) "Supervisor" means the ~~chief of the motor vehicle division of this state~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR HEAD OF A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH ARTICLE 35 OF TITLE 24, C.R.S."

Page 18, strike lines 1 and 2.

line 13, strike "the motor vehicle ~~division~~ GROUP in" and substitute "the ~~motor vehicle division in~~";

line 15, strike "motor vehicle ~~division~~ GROUP" and substitute "motor ~~vehicle division~~ DEPARTMENT";

line 26, strike "motor vehicle ~~division~~ GROUP." and substitute "motor ~~vehicle division~~ DEPARTMENT."

Page 19, line 26, strike "MOTOR VEHICLE GROUP." and substitute "DEPARTMENT."

Page 20, strike lines 19 and 20 and substitute the following:

"shall certify to the ~~division~~ DEPARTMENT OF REVENUE that the standards established by the EXECUTIVE director of the ~~motor vehicle division~~ DEPARTMENT";

line 23, strike "the motor vehicle" and substitute "~~the motor vehicle~~";

line 24, strike "~~division~~ GROUP of" and substitute "~~division of~~".

Page 21, line 1, strike "motor" and substitute "~~motor~~";

line 2, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT";

line 3, strike "~~division~~ MOTOR VEHICLE" and substitute "~~division~~ DEPARTMENT";

line 4, strike "GROUP.";

line 12, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT";

line 17, strike "motor" and substitute "~~motor~~";

line 18, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT";

line 19, strike "GROUP." and substitute "DEPARTMENT.".

Page 22, line 1, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT";

line 9, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT";

line 12, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT";

line 16, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT";

line 18, strike "motor" and substitute "~~motor~~";

line 19, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT".

Page 23, line 10, strike "motor" and substitute "~~motor~~";

line 11, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT".

Page 24, line 7, strike "MOTOR VEHICLE GROUP OF THE";

line 15, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT";

line 23, strike "the motor vehicle ~~division~~ GROUP of" and substitute "~~the motor vehicle division of~~".

Page 25, line 19, strike "the motor vehicle" and substitute "~~the motor vehicle~~";

line 20, strike "GROUP of" and substitute "of".

Page 26, line 22, strike "motor vehicle ~~division~~ GROUP," and substitute "~~motor vehicle division~~";

line 26, strike "motor" and substitute "~~motor~~".

Page 27, line 1, strike "vehicle ~~division~~ GROUP of the" and substitute "~~vehicle division of the~~".

Page 28, line 2, strike "the motor vehicle" and substitute "~~the motor~~

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vehicle";

line 3, strike "GROUP of" and substitute "of";

line 6, strike "MOTOR VEHICLE";

line 7, strike "GROUP of the" and substitute "of the".

Page 29, line 5, strike "motor vehicle ~~division~~ GROUP," and substitute "~~motor vehicle division~~";

line 24, strike "motor vehicle" and substitute "~~motor vehicle~~";

line 25, strike "GROUP" and substitute "DEPARTMENT";

line 26, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT".

Page 30, line 1, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT";

strike lines 8 through 12 and substitute the following:

"peace officer and one copy sent to the supervisor of the ~~motor vehicle division~~ WITHIN THE DEPARTMENT and such other copies sent as may be required by rule or regulation of the ~~motor vehicle division~~ DEPARTMENT to govern the internal administration of this article between the ~~motor vehicle division~~ DEPARTMENT and the Colorado state patrol.";

strike lines 14 and 15 and substitute the following:

"amended to read:";

strike lines 18 through 20.

line 25, strike "the motor vehicle" and substitute "~~the motor vehicle~~";

line 26, strike "~~division~~ GROUP in" and substitute "~~division in~~".

Page 31, line 12, strike "motor vehicle" and substitute "~~motor vehicle~~";

line 13, strike "GROUP" and substitute "DEPARTMENT";

line 19, strike "motor" and substitute "~~motor~~";

line 20, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT OF REVENUE".

Page 32, line 8, strike "motor" and substitute "~~motor~~";

line 9, strike "vehicle ~~division~~ GROUP." and substitute "~~vehicle division~~ DEPARTMENT OF REVENUE".

line 15, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT OF REVENUE";

line 21, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT OF REVENUE".

Page 33, strike lines 10 and 11 and substitute the following:

"are amended to read:";

strike lines 16 through 18.

line 24, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT OF REVENUE".

Page 34, line 9, strike "MOTOR";

line 10, strike "VEHICLE GROUP" and substitute "DEPARTMENT OF REVENUE";

line 15, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT OF REVENUE";

line 22, strike "MOTOR VEHICLE GROUP." and substitute "DEPARTMENT OF REVENUE.".

Page 35, line 4, strike "MOTOR VEHICLE GROUP" and substitute "EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE";

strike lines 6 through 12.

Renumber succeeding sections accordingly.

line 19, strike "the motor" and substitute "~~the motor~~";

line 20, strike "vehicle ~~division~~ GROUP in" and substitute "~~vehicle division~~ ~~in~~".

Page 36, line 7, strike "the motor vehicle" and substitute "~~the motor vehicle~~";

line 8, strike "GROUP in" and substitute "~~in~~";

line 19, strike the second "the motor" and substitute "~~the motor~~";

line 20, strike "vehicle ~~division~~ GROUP in" and substitute "~~vehicle division~~ ~~in~~";

strike lines 23 through 26.

Page 37, strike lines 1 through 3.

Renumber succeeding sections accordingly.

Page 37, line 17, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT";

strike lines 20 and 21 and substitute the following:

"are amended to read:";

line 25, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT".

Page 38, strike lines 2 through 4.

line 13, strike "MOTOR VEHICLE GROUP." and substitute "DEPARTMENT.";

line 14 strike "MOTOR";

line 15, strike "VEHICLE GROUP" and substitute "DEPARTMENT";

line 17, strike "GROUP" and substitute "DEPARTMENT";

strike lines 22 through 24 and substitute the following:

"consist of representatives of the insurance industry, the division of insurance, the department of public safety, ~~the division~~, and the department.".

Page 39, line 2, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT";

line 6, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT".

Page 40, line 8, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT OF REVENUE";

line 16, strike "MOTOR VEHICLE";

line 17, strike "GROUP." and substitute "DEPARTMENT.";

line 22, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT";

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line 24, strike "MOTOR VEHICLE GROUP," and substitute "DEPARTMENT,";
line 26, strike "MOTOR VEHICLE GROUP" and substitute "DEPARTMENT".
Page 41, line 26, strike "motor vehicle ~~division~~ GROUP of the" and substitute "~~motor vehicle division of the~~".
Page 42, line 8, strike "motor vehicle ~~division~~ GROUP of the" and substitute "~~motor vehicle division of the~~".
Page 43, line 10, strike "motor vehicle" and substitute "~~motor vehicle~~";
line 11, strike "GROUP,";
line 12, strike "motor vehicle ~~division~~ GROUP of the" and substitute "~~motor vehicle division of the~~";
line 17, strike "the motor" and substitute "~~the motor~~";
line 18, strike "vehicle ~~division~~ GROUP of" and substitute "~~vehicle division of~~".
Page 44, line 12, strike "MOTOR VEHICLE GROUP OF THE";
line 21, strike "MOTOR VEHICLE GROUP OF THE";
line 25, strike "motor vehicle ~~division~~ GROUP OF THE" and substitute "~~motor vehicle division~~".
Page 45, line 14, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT OF REVENUE".
Page 46, line 1, strike "MOTOR";
line 2, strike "VEHICLE GROUP OF THE";
line 22, strike "motor vehicle ~~division~~ GROUP OF THE" and substitute "~~motor vehicle division~~".
Page 47, line 2, strike "motor vehicle ~~division~~ GROUP" and substitute "~~motor vehicle division~~ DEPARTMENT OF REVENUE";
line 5, strike "motor" and substitute "~~motor~~";
line 6, strike "vehicle ~~division~~ GROUP" and substitute "~~vehicle division~~ DEPARTMENT OF REVENUE";
line 12, strike "motor vehicle" and substitute "~~motor vehicle~~";
line 13, strike "GROUP" and substitute "DEPARTMENT OF REVENUE";
line 25, strike "MOTOR";
line 26, strike "VEHICLE GROUP OF THE".

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

SB 00-210 by Sen. Anderson; Rep. George--Joint Governmental Agencies

Amendment No. 1, Business Affairs and Labor Committee Amendment
(Printed in Senate Journal, March 28, page 768.)

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

SB 00-203 by Sen. Powers; Rep. George--Util Relocate For Design-Build Projects

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, March 22, pages 707-708.)

Amendment No. 2, by Senator Powers

Amend printed bill, page 9, after line 23, insert the following:

"(6) NOTHING IN THIS SECTION OR IN SECTION 43-1-1412 SHALL CHANGE THE AUTHORITY, RIGHTS, RESPONSIBILITIES, OR OBLIGATIONS OF THE DEPARTMENT OR OF ANY OWNER OF REAL OR PERSONAL PROPERTY IN AN EMINENT DOMAIN PROCEEDING OR ANY EXISTING STATUTORY OR CASE LAW APPLICABLE TO EMINENT DOMAIN PROCEEDINGS."

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

SB 00-085 by Sen. Dennis; Rep. Dean--State Grants For Libraries

Amendment No. 1, Education Committee Amendment
(Printed in Senate Journal, January 17, pages 105-106.)

Amendment No. 2, Appropriations Committee Amendment
(Printed in Senate Journal, April 3, pages 819-820.)

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

The following bills on the General Orders calendar of Wednesday, April 5, were laid over until Thursday, April 6, retaining their place on the calendar:

SB00-163, SB00-007, SB00-192, SB00-133, SB00-175, HB00-1182, HB00-1020, HB00-1161, HB00-1025.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB 00-085 by Sen. Dennis; Rep. Dean--State Grants For Libraries

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that SB00-085, as amended, did not pass.

Call of Senate.

Call Raised.

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

YES	12	NO	22	EXCUSED	0	ABSENT	1
Anderson	N	Evans	N	Musgrave	Y	Tanner	N
Andrews	A	Feeley	N	Nichol	N	Tebedo	Y
Arnold	N	Hernandez	N	Owen	Y	Teck	N
Blickensderfer	N	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	N	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivan	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

SB00-197, as amended; SB00-193, as amended; SB00-210, as amended; SB00-203, as amended; SB00-085, as amended, declared passed on Second Reading.
SB00-049, SB00-163, SB00-007, SB00-192, SB00-133, SB00-175, HB00-1182, HB00-1020, HB00-1161, HB00-1025 laid over until Thursday, April 6, retaining their place on the calendar.

CONFERENCE COMMITTEES GRANTED FURTHER POWERS

HB 00-1451 by Rep. Tool; Senator Lacy--Long Appropriations Bill

Senator Owen moved that the Senate Conferees on the First Conference Committee on HB00-1451 be given the powers to go beyond the scope of the differences between the two Houses.

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

HB 00-1452 by Rep. Tool; Senator Lacy--Gen Fund Transfer To Cap Const Fund

Senator Owen moved that the Senate Conferees on the First Conference Committee on HB00-1452 be given the powers to go beyond the scope of the differences between the two Houses.

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

HB 00-1267 by Rep. Johnson; Senator Hillman--Extends Pet Animal Care & Facilities Act

Senator Hillman moved that the Senate Conferees on the First Conference Committee on HB00-1267 be given the powers to go beyond the scope of the differences between the two Houses.

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

HB 00-1268 by Rep. McKay; Senator Teck--Property Tax Assessment

Senator Teck moved that the Senate Conferees on the First Conference Committee on HB00-1268 be given the powers to go beyond the scope of the differences between the two Houses.

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

HB 00-1185 by Rep. Berry; Sen. Matsunaka--Uniform Consumer Credit Code

Senator Hillman moved that the Senate Conferees on the First Conference Committee on HB00-1185 be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was 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 Wednesday, April 5, was laid over until Thursday, April 6, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services

To the Governor for signature on Wednesday, April 5, 2000, at 2:02 pm:
SB 00-024, 057, 065.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that SCR00-005 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed concurrent resolution, page 2, line 13, strike "county or" and substitute "county or".

Page 5, line 14, strike "one county superintendent of schools;" and substitute "~~one county superintendent of schools;~~".

State, Veterans, and Military Affairs

After consideration on the merits, the committee recommends that the following be referred to the Senate for final action: HJR00-1009

Local Government

After consideration on the merits, the committee recommends that HB00-1101 be amended as follows and, as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend reengrossed bill, page 10, line 18, strike "**parties.**" and substitute "**parties - local government growth assistance cash fund.**".

Page 11, line 10, strike "REASONABLE";

line 11, strike "AND NECESSARY EXPENSE" and substitute "DIRECT AND INDIRECT COST";

line 15, after "FEE.", insert "ALL FEES COLLECTED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO THIS PART 12 SHALL BE TRANSFERRED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE LOCAL GOVERNMENT GROWTH ASSISTANCE CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN SUCH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 12.".

Page 24, line 16, strike "general fund not otherwise appropriated," and substitute "local government growth assistance cash fund created in section 29-1-1204 (1) (b), Colorado Revised Statutes,".

Local Government After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-209

Finance After consideration on the merits, the committee recommends that HB00-1209 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

"SECTION 1. 39-22-518 (2) (b) (I), (5) (a), (5) (b) (V), (5) (b) (VI), (6), and (7), Colorado Revised Statutes, are amended to read:

39-22-518. Tax modification for net capital gains. (2) For the purposes of this section:

(b) (I) "Qualifying gains receiving capital treatment" means the amount of net capital gains, as defined in section 1222 (11) of the internal revenue code, included in any qualified taxpayer's federal income tax return and:

(A) Earned by such qualified taxpayer on real or tangible personal property located within Colorado that was acquired on or after May 9, 1994, and that has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which such net capital gains arise; or

(B) Earned on the sale of stock or on the sale of an ownership interest in a Colorado company, limited liability company, or partnership where such stock or ownership interest was acquired on or after May 9, 1994, and has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise; or

(C) Subject to the provisions of subsection (5) of this section, earned by such qualified taxpayer on real or tangible personal property located within Colorado that was acquired before May 9, 1994, and that has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 2000, for which, based upon the financial report prepared 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 have either 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; or

(D) Subject to the provisions of subsection (5) of this section, earned on the sale of stock or on the sale of an ownership interest in a Colorado company, limited liability company, or partnership where such stock or ownership interest was acquired before May 9, 1994, and has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 2000, for which, based upon the financial report prepared 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 have either 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; OR

(E) SUBJECT TO THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, EARNED BY SUCH QUALIFIED TAXPAYER ON REAL OR TANGIBLE

PERSONAL PROPERTY LOCATED WITHIN COLORADO THAT WAS ACQUIRED ON OR AFTER MAY 9, 1994, AND THAT HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF AT LEAST ONE YEAR, BUT LESS THAN FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE IF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE OCCURRED DURING ANY INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2001, FOR WHICH, BASED UPON THE FINANCIAL REPORT PREPARED 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; OR

(F) SUBJECT TO THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, EARNED ON THE SALE OF STOCK OR ON THE SALE OF AN OWNERSHIP INTEREST IN A COLORADO COMPANY, LIMITED LIABILITY COMPANY, OR PARTNERSHIP WHERE SUCH STOCK OR OWNERSHIP INTEREST WAS ACQUIRED ON OR AFTER MAY 9, 1994, AND HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF AT LEAST ONE YEAR, BUT LESS THAN FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE IF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE OCCURRED DURING ANY INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2001, FOR WHICH, BASED UPON THE FINANCIAL REPORT PREPARED 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.

(5) (a) 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 any state fiscal year commencing on or after July 1, 1999, exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for that fiscal year by less than two hundred sixty million dollars, as adjusted pursuant to paragraph (b) of this subsection (5), then any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (C), ~~or~~ (D), (E), OR (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall not be allowed for the income tax year in which said state fiscal year ended.

(b) (V) For the purpose of determining whether any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (C), ~~or~~ (D), (E), OR (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section 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 subparagraph (III) of this paragraph (b) or otherwise specified pursuant to subparagraph (IV) of this paragraph (b).

(VI) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any calendar year commencing on or after January 1, 2000, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the state fiscal year ending during said calendar year, the executive director shall not determine whether any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (C), ~~or~~ (D), (E), OR (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall be allowed until the impact of the results of said election on the amount of the excess state revenues to be refunded is ascertained.

(6) Any modification for qualifying gains receiving capital treatment allowed pursuant to sub-subparagraph (C), ~~or~~ (D), (E), OR (F)

of subparagraph (I) of paragraph (b) of subsection (2) of this section 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.

(7) The general assembly finds and declares that the temporary modifications for qualifying gains receiving capital treatment allowed by sub-subparagraphs (C), ~~and~~ (D), (E), AND (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section are reasonable methods of refunding a portion of the excess state revenues required to be refunded in accordance with section 20 (7) (a) of article X of the state constitution.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Finance After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1053

Finance After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1065

Finance After consideration on the merits, the committee recommends that the following be postponed indefinitely: HB00-1353

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SCR00-006

Judiciary After consideration on the merits, the committee recommends that SB00-208 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. 16-3-303, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

16-3-303. Search warrants - application. (4) A NO-KNOCK SEARCH WARRANT SHALL BE ISSUED ONLY IF THE AFFIDAVIT FOR SUCH WARRANT:

(a) COMPLIES WITH THE PROVISIONS OF SUBSECTIONS (1), (2), AND (3) OF THIS SECTION;

(b) SPECIFICALLY REQUESTS THE ISSUANCE OF A NO-KNOCK SEARCH WARRANT; AND

(c) HAS BEEN REVIEWED AND APPROVED FOR LEGAL SUFFICIENCY AND SIGNED BY A DISTRICT ATTORNEY PURSUANT TO SECTION 20-1-106.1 (2), C.R.S.

(5) IF THE GROUNDS FOR THE ISSUANCE OF A NO-KNOCK SEARCH WARRANT ARE ESTABLISHED BY A CONFIDENTIAL INFORMANT, THE AFFIDAVIT FOR SUCH WARRANT SHALL CONTAIN A STATEMENT BY THE AFFIANT CONCERNING WHEN SUCH GROUNDS BECAME KNOWN OR WERE VERIFIED BY THE AFFIANT. THE STATEMENT SHALL NOT IDENTIFY THE CONFIDENTIAL INFORMANT.

(6) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NO-KNOCK SEARCH WARRANT" MEANS A SEARCH WARRANT SERVED BY ENTRY WITHOUT PRIOR IDENTIFICATION.

SECTION 2. 20-1-106.1, Colorado Revised Statutes, is amended to read:

20-1-106.1. Preparation and review of affidavits and warrants.
(1) The district attorneys of the several judicial districts in the state of Colorado shall:

(a) Render, in their quasi-judicial capacity, legal advice to peace officers, upon the request of such officers or of the court, pertaining to the preparation and review of affidavits and warrants for arrests, searches, seizures, and nontestimonial identification items;

(b) EXAMINE AND EVALUATE EACH AFFIDAVIT FOR A NO-KNOCK SEARCH WARRANT SOUGHT PURSUANT TO PART 3 OF ARTICLE 3 OF TITLE 16, C.R.S., AND RENDER LEGAL ADVICE REGARDING SUCH AFFIDAVIT TO THE PEACE OFFICER SUBMITTING THE AFFIDAVIT BEFORE SUCH AFFIDAVIT IS SUBMITTED TO A JUDGE. A DISTRICT ATTORNEY SHALL INDICATE APPROVAL OF AN AFFIDAVIT BY PLACING THE DATE AND HIS OR HER SIGNATURE AND ATTORNEY REGISTRATION NUMBER ON THE AFFIDAVIT AS ALLOWED BY STATUTE OR COURT RULE. A DISTRICT ATTORNEY SHALL ONLY SIGN AN AFFIDAVIT FOR A NO-KNOCK SEARCH WARRANT SOUGHT PURSUANT TO PART 3 OF ARTICLE 3 OF TITLE 16, C.R.S., UPON SATISFACTION THAT THE INFORMATION IN SUCH AFFIDAVIT:

(I) FULFILLS THE REQUIREMENTS OF SECTION 16-3-303, C.R.S.;
AND

(II) SUPPORTS THE LAWFUL ISSUANCE OF A SEARCH WARRANT PURSUANT TO SECTION 16-3-301, C.R.S.

(2) In the absence of the bad faith performance of ~~these services in their quasi-judicial capacity~~, THE DUTIES SPECIFIED IN THIS SECTION, the district attorneys of the state of Colorado shall be immune from liability FOR THE PERFORMANCE OF SAID DUTIES; EXCEPT THAT SUCH IMMUNITY SHALL NOT APPLY TO CHARGES OF PERJURY IN THE FIRST DEGREE, PERJURY IN THE SECOND DEGREE, OR FALSE SWEARING BROUGHT PURSUANT TO SECTIONS 18-8-502, 18-8-503, OR 18-8-504, C.R.S., RESPECTIVELY.

(3) THE DIVISION OF CRIMINAL JUSTICE WITHIN THE COLORADO DEPARTMENT OF PUBLIC SAFETY SHALL REVIEW EXISTING POLICIES RELATING TO THE ISSUANCE AND USE OF NO-KNOCK SEARCH WARRANTS PURSUANT TO SECTION 24-33.5-503 (1) (q), C.R.S.

SECTION 3. 24-33.5-503 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-503. Duties of division. (1) The division has the following duties:

(q) TO REVIEW EXISTING POLICIES RELATING TO THE ISSUANCE AND USE OF NO-KNOCK SEARCH WARRANTS PURSUANT TO PART 3 OF ARTICLE 3 OF TITLE 16, C.R.S. THE DIVISION SHALL SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY BY JANUARY 1, 2001, A REPORT CONCERNING MODEL POLICIES PERTAINING TO THE ISSUANCE AND USE OF NO-KNOCK SEARCH WARRANTS. IN COMPILING INFORMATION FOR SUCH REPORT, THE DIVISION SHALL CONTACT HEADS OF LAW ENFORCEMENT AGENCIES ACROSS THE STATE, THE STATE COURT ADMINISTRATOR, THE ELECTED DISTRICT ATTORNEY IN EACH JUDICIAL DISTRICT, THE CHIEF DISTRICT COURT JUDGE IN EACH JUDICIAL DISTRICT, THE CHIEF COUNTY COURT JUDGE IN EACH COUNTY, AND ANY OTHER PERSON OR AGENCY THE DIVISION DEEMS HELPFUL.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to all warrants issued on or after said date.

SECTION 5. 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.".

Trans-
portation

The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO INTERMOUNTAIN FIXED GUIDEWAY AUTHORITY

for terms expiring July 1, 2001:

Joseph A. Jehn of Arvada, Colorado, to serve as a representative of the Transportation Commission, a Republican, and to replace William Haight who resigned, appointed;

John B. Brockmeyer of Arvada, Colorado and to serve as a Republican and to replace Howard B. Gelt who was withdrawn, appointed.

Trans-
portation

The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2002:

Terrance M. Sargent of Montrose, Colorado, to represent an airport managers' association and to serve as a Republican, appointed;

E. Patrick Wiesner of Castle Rock, Colorado, to represent a pilots association and to serve as a Republican, appointed.

Trans-
portation

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1069

Trans-
portation

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1070

Local
Government

After consideration on the merits, the committee recommends that HB00-1368 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that it is in the public interest to:

(a) Assure appropriate and timely communication and information sharing among entities involved in the licensure or approval of certain residential homes and facilities in the state, including state agencies, local governments, and private persons or entities;

(b) Improve consistency across multiple programs and agencies related to the licensure or approval of such residential homes or facilities;

and

(c) Reaffirm that the establishment of group homes serving the aged, persons with developmental disabilities, and persons with mental illness is a matter of statewide concern.

SECTION 2. Part 3 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-306.5. Compliance with local government zoning regulations - notice to local governments - provisional approval.

(1) THE DIVISION SHALL REQUIRE ANY RESIDENTIAL TREATMENT FACILITY SEEKING APPROVAL AS A PUBLIC OR PRIVATE TREATMENT FACILITY PURSUANT TO THIS PART 3 TO COMPLY WITH ANY APPLICABLE ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO COMPLY WITH APPLICABLE ZONING REGULATIONS SHALL CONSTITUTE GROUNDS FOR THE DENIAL OF APPROVAL OF A FACILITY.

(2) THE DIVISION SHALL ASSURE THAT TIMELY WRITTEN NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A RESIDENTIAL TREATMENT FACILITY IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY, WHEN ANY OF THE FOLLOWING OCCURS:

(a) AN APPLICATION FOR APPROVAL OF A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 25-1-306 IS MADE;

(b) APPROVAL IS GRANTED TO A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 25-1-306;

(c) A CHANGE IN THE APPROVAL OF A RESIDENTIAL TREATMENT FACILITY OCCURS; OR

(d) THE APPROVAL OF A RESIDENTIAL TREATMENT FACILITY IS REVOKED OR OTHERWISE TERMINATED FOR ANY REASON.

(3) IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE BETWEEN A RESIDENTIAL TREATMENT FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED, THE DIVISION MAY GRANT PROVISIONAL APPROVAL OF THE FACILITY FOR UP TO ONE HUNDRED TWENTY DAYS PENDING RESOLUTION OF THE DELAY OR DISPUTE.

SECTION 3. Article 27 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-27-105.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure.

(1) THE DEPARTMENT SHALL REQUIRE ANY PERSONAL CARE BOARDING HOME SEEKING LICENSURE PURSUANT TO THIS ARTICLE 27 TO COMPLY WITH ANY APPLICABLE ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE HOME IS SITUATED. FAILURE TO COMPLY WITH APPLICABLE ZONING REGULATIONS SHALL CONSTITUTE GROUNDS FOR THE DENIAL OF A LICENSE TO A HOME; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE THE PROVISIONS OF SECTIONS 30-28-115 (2), 31-23-301 (4), AND 31-23-303 (2), C.R.S.

(2) THE DEPARTMENT SHALL ASSURE THAT TIMELY WRITTEN NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A PERSONAL CARE BOARDING HOME IS SITUATED, INCLUDING THE ADDRESS OF THE HOME AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE HOME, WHEN ANY OF THE FOLLOWING OCCURS:

(a) AN APPLICATION FOR A LICENSE TO OPERATE A PERSONAL CARE BOARDING HOME PURSUANT TO SECTION 25-27-105 IS MADE;

(b) A LICENSE IS GRANTED TO A PERSONAL CARE BOARDING HOME PURSUANT TO SECTION 25-27-105;

(c) A CHANGE IN THE LICENSE OF A PERSONAL CARE BOARDING HOME OCCURS; OR

(d) THE LICENSE OF A PERSONAL CARE BOARDING HOME IS REVOKED OR OTHERWISE TERMINATED FOR ANY REASON.

(3) NOTWITHSTANDING THE PROVISIONS OF SECTION 25-27-105 (4), IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE BETWEEN A PERSONAL CARE BOARDING HOME AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE HOME IS SITUATED, THE DEPARTMENT MAY GRANT A PROVISIONAL LICENSE TO THE HOME FOR UP TO ONE HUNDRED TWENTY DAYS PENDING RESOLUTION OF THE DELAY OR DISPUTE.

SECTION 4. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-104.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure.

(1) THE DEPARTMENT SHALL REQUIRE ANY CHILD CARE FACILITY SEEKING LICENSURE PURSUANT TO SECTION 26-6-104 TO COMPLY WITH ANY APPLICABLE ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO COMPLY WITH APPLICABLE ZONING REGULATIONS SHALL CONSTITUTE GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

(2) THE DEPARTMENT SHALL ASSURE THAT TIMELY WRITTEN NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A CHILD CARE FACILITY IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY, WHEN ANY OF THE FOLLOWING OCCURS:

(a) A PERSON APPLIES FOR A LICENSE TO OPERATE A CHILD CARE FACILITY PURSUANT TO SECTION 26-6-104;

(b) A LICENSE IS GRANTED TO OPERATE A CHILD CARE FACILITY PURSUANT TO SECTION 26-6-104;

(c) A CHANGE IN THE LICENSE OF A CHILD CARE FACILITY OCCURS; OR

(d) THE LICENSE OF A CHILD CARE FACILITY IS REVOKED OR OTHERWISE TERMINATED FOR ANY REASON.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE BETWEEN A CHILD CARE FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO ONE HUNDRED TWENTY DAYS PENDING RESOLUTION OF THE DELAY OR DISPUTE.

(4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY FOSTER CARE HOME CERTIFIED PURSUANT TO THIS PART 1.

SECTION 5. Part 1 of article 10.5 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

27-10.5-109.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure.

(1) THE DEPARTMENT SHALL REQUIRE ANY COMMUNITY RESIDENTIAL HOME SEEKING LICENSURE PURSUANT TO SECTION 27-10.5-109 TO COMPLY WITH ANY APPLICABLE ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE HOME IS SITUATED. FAILURE TO COMPLY WITH APPLICABLE ZONING REGULATIONS SHALL CONSTITUTE GROUNDS FOR THE DENIAL OF A LICENSE TO A HOME; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE THE PROVISIONS OF SECTIONS 30-28-115 (2), 31-23-301 (4), AND 31-23-303 (2), C.R.S.

(2) THE DEPARTMENT SHALL ASSURE THAT TIMELY WRITTEN NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY

WHERE A COMMUNITY RESIDENTIAL HOME IS SITUATED, INCLUDING THE ADDRESS OF THE HOME AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE HOME, WHEN ANY OF THE FOLLOWING OCCURS:

- (a) AN APPLICATION FOR A LICENSE TO OPERATE A COMMUNITY RESIDENTIAL HOME PURSUANT TO SECTION 27-10.5-109 IS MADE;
- (b) A LICENSE IS GRANTED TO A COMMUNITY RESIDENTIAL HOME PURSUANT TO SECTION 27-10.5-109;
- (c) A CHANGE IN THE LICENSE OF A COMMUNITY RESIDENTIAL HOME OCCURS; OR
- (d) THE LICENSE OF A COMMUNITY RESIDENTIAL HOME IS REVOKED OR OTHERWISE TERMINATED FOR ANY REASON.

(3) IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE BETWEEN A COMMUNITY RESIDENTIAL HOME AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE HOME IS SITUATED, THE DEPARTMENT MAY GRANT A PROVISIONAL LICENSE TO THE HOME FOR UP TO ONE HUNDRED TWENTY DAYS PENDING RESOLUTION OF THE DELAY OR DISPUTE.

SECTION 6. 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.".

MESSAGES FROM THE HOUSE

April 5, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB00-1067, amended as printed in House Journal, April 4, page 1276. HB00-1076, amended as printed in House Journal, April 4, page 1276. HB00-1133, amended as printed in House Journal, April 4, page 1281. HB00-1261, amended as printed in House Journal, April 4, page 1276. HB00-1462, amended as printed in House Journal, April 4, page 1281.

April 5, 2000

Mr. President:

The House has voted to concur in the Senate amendments to HB00-1159 and has repassed the bill as so amended.

April 5, 2000

Mr. President:

The House has postponed indefinitely SB00-201. The bill is returned herewith.

April 5, 2000

Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on SB00-171 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR

April 5, 2000

We herewith transmit:

without comment, as amended, HB00-1067, 1076, 1133, 1261, and 1462.

INTRODUCTION OF BILLS

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

- HB 00-1067 by Representatives Paschall, Gotlieb, Gordon, and Tupa; also Senator Evans--Concerning the promotion of alternative use fuel for transportation purposes.
Finance
Appropriations
- HB 00-1076 by Representative Tool; also Senator Wham--Concerning the provision of prenatal care to undocumented women, and making an appropriation in connection therewith.
Health, Environment, Welfare & Institutions
Appropriations
- HB 00-1133 by Representative Kaufman; also Senator Wham--Concerning the department of corrections.
Judiciary
Appropriations
- HB 00-1261 by Representatives Johnson, George, Plant, and Saliman; also Senator Anderson--Concerning authorization for the board of parks and outdoor recreation in the department of natural resources to increase fees without statutory approval.
Agriculture, Natural Resources, and Energy
Appropriations
- HB 00-1462 by Representative Dean; also Senator Lacy--Concerning the replacement of certain incentives for businesses to establish new business facilities or expand existing facilities with a tax credit against state taxes in an amount equal to a portion of the amount of personal property taxes paid to a school district as a means to refund state revenues in excess of the constitutional limitation on state fiscal year spending.
State, Veterans, & Military Affairs
Appropriations

INTRODUCTION OF CONCURRENT RESOLUTION

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

- SCR 00-008 by Senator Chlouber--Concerning the submission to the registered electors of the state of Colorado of an amendment to section 3 (1) (b) (III) of article XXVII of the constitution of the state of Colorado, transferring a portion of the net proceeds from all lottery programs, including multi-state lottery games, from the general fund to the school construction and renovation fund for capital construction at kindergarten through grade twelve public schools located in certain disadvantaged school districts notwithstanding any restriction on spending, revenues, or appropriations, including, without limitation, the restrictions of section 20 of article X of the state constitution.
Education

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committee indicated:

- SJR 00-015 by Senator Owen; also Representative Dean--Concerning an interim legislative study on reforms to the general assembly in view of member term limits.
Judiciary

SJR00-017

by Senators Hillman, and Blickensderfer; also Representatives Spradley, Stengel, and Young--Concerning the designation of state highway 94 within the boundaries of the state of Colorado to be known as the "94th Infantry Division Memorial Highway".
Transportation

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INTRODUCTION OF RESOLUTION

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The following resolution was read by title:

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SJR00-016

by Senator Feeley; also Representative Veiga--Concerning honoring the mothers of Colorado and remembering the mothers of Colorado whose lives were cut short by domestic violence.

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Laid over one day under Senate Rule 30(b), and placed on the calendar of Thursday, April 6.

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APPOINTMENTS TO CONFERENCE COMMITTEES

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HB00-1078

by Rep. Leyba; Senator Epps--Penalties For False Medicaid Claims

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The President appointed Senators Epps, Chairman, Evans and Nichol as Senate Conferees on the First Conference Committee on HB00-1078.

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HB00-1202

by Rep. Clapp; Sen. Musgrave--Access To Student Records

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The President appointed Senators Musgrave, Chairman, Evans and Tanner as Senate Conferees on the First Conference Committee on HB00-1202.

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HB00-1326

by Rep. Scott; Sen. Lamborn--Uniform Principal And Income Act

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The President appointed Senators Lamborn, Chairman, Evans and Nichol as Senate Conferees on the First Conference Committee on HB00-1326.

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB00-1105

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THIS REPORT AMENDS THE
REENGROSSED BILL

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To the President of the Senate and the
Speaker of the House of Representatives:

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Your first conference committee appointed on HB00-1105, concerning the fastening of temporary motor vehicle registration identification to the vehicle, has met and reports that it has agreed upon the following:

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That the Senate recede from its amendments made to bill, as said amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

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Amend reengrossed bill, page 3, line 12, strike "DIRECT" and substitute "ACTUAL".

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Respectfully submitted,

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House Committee:	Senate Committee:
(Signed)	(Signed)
Rep. Marcy Morrison, Chairman	Sen. Dave Wattenberg, Chairman
Rep. Gloria Leyba	Sen. Mike Feeley
Rep. Joyce Lawrence	Sen. Norma Anderson

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TRIBUTES--A POINT OF INTEREST

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Honoring Ars Nova Singers by Senator Rupert	4
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Honoring Arts and Humanities Assembly of Boulder by Senator Rupert	6
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Honoring Boulder Dance Alliance by Senator Rupert	8
	9
Honoring Boulder Museum of Contemporary Art by Senator Rupert	10
	11
Honoring Centennial Middle School by Senator Rupert	12
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Honoring Colorado Dance Festival by Senator Rupert	14
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Honoring Colorado MahlerFest by Senator Rupert	16
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Honoring Colorado Music Festival by Senator Rupert	18
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Honoring Dairy Center for the Arts by Senator Rupert	20
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Honoring E-Town by Senator Rupert	22
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Honoring Linda Herritt by Senator Rupert	24
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Honoring Julie Maren by Senator Rupert	26
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Honoring Kay Miller by Senator Rupert	28
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Honoring Naropa Institute by Senator Rupert	30
	31
Honoring Open Studios by Senator Rupert	32
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Honoring Nancy Smith by Senator Rupert	34
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Honoring University of Colorado/Art Galleries by Senator Rupert	36
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Honoring University of Colorado at Boulder/Artist Series by Senator Rupert	38
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Honoring University of Colorado At Boulder/Colorado Shakespeare Festival's 43 rd Season	40
by Senator Rupert	41
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Honoring University of Colorado at Boulder Museum by Senator Rupert	43
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Honoring Alan Yamamoto by Senator Rupert	45
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Honoring Miguel Bernal by Senator Linkhart	47
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Honoring Heidi Hursh by Senator Linkhart	49
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Honoring Melanie Grant by Senator Linkhart	51
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Honoring Mary Armijo by Senator Linkhart	53
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Honoring Edward A. Robinson by Senator Linkhart	55
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Honoring Richard Robinson by Senator Linkhart	57
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Honoring Lucille Hyatt by Senator Thiebaut	59
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On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Thursday, April 6, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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