

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

105th Legislative DayTuesday, April 18, 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, 28.
Absent/Excused--Blickensderfer, Congrove, Lacy, Perlmutter, Reeves, Rupert, Sullivant--
Total, 7.
Present later--Blickensderfer, Congrove, Perlmutter, Reeves, Rupert, Sullivant.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Dyer, reading of the Journal of Monday, April 17th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 00-227.

INTRODUCTION OF BILLS

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

- HB 00-1071 by Representatives Bacon and Johnson; also Senators Matsunaka and Wattenberg--Concerning the acquisition of property by the division of wildlife in Larimer county for public purposes, and making an appropriation therefor.
Agriculture, Natural Resources, and Energy
Appropriations
- HB 00-1423 by Representatives Swenson, Dean, May and Larson; also Senator Lamborn--Concerning the temporary withholding of certain items from persons who have outstanding warrants for their arrest, and making an appropriation in connection therewith.
Judiciary
Appropriations
- HB 00-1429 by Representatives Hoppe, George, Johnson, Stengel, Tool and Witwer; also Senators Teck and Lacy--Concerning an increase in the amount of moneys in the species conservation trust fund, and making an appropriation in connection therewith.
Agriculture, Natural Resources, and Energy
Appropriations
- HB 00-1430 by Representatives Stengel, Fairbank, Gotlieb, Hagedorn, Hefley, Hoppe, Kester, King, Larson, Lee, Mace, May, McPherson, Nunez, Sinclair, Smith, Swenson, Webster and Zimmerman; also Senator Teck--Concerning the creation of the advanced technology fund for use by the Colorado commission on higher education.
State, Veterans, & Military Affairs
Appropriations
- HB 00-1479 by Representative May; also Senator Dennis--Concerning administration of the excise tax on fuels, and, in connection therewith, amending and relocating part 2 of article 27 of title 39, Colorado Revised Statutes.
Transportation

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 SM00-001.

CONSIDERATION OF MEMORIAL

SM 00-001 by Sen. Owen--Memorializing William S. "Bill" Garnsey III (Printed in Senate Journal, February 15, pages 323-324.)

Senate in recess.

Senate reconvened.

On motion of Senator Owen, the Memorial 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, Hernandez, Hillman, Lamborn, Linkhart, Martinez, Matsunaka, Musgrave, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

THIRD READING OF BILLS--FINAL PASSAGE

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

HB 00-1368 by Rep. Lee; Senator Blickensderfer--State Licensing Of Res Facilities

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

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

HB 00-1173 by Rep. Lawrence; Senator Arnold--Teacher Development Schedules

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

HB 00-1439 by Rep. Taylor; Senator Wattenberg--Valuation Of Producing Mines

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsors added: Chlouber, Hernandez.

HB 00-1426 by Rep. Hefley; Sen. Evans--Driving Under Restraint

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	N	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	N	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	N	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivan	Y		

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

Co-sponsors added: Chlouber, Hernandez.

HB 00-1438 by Rep. Taylor; Senator Wattenberg--CWCB Conditional Water Right Repeal

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

YES	33	NO	1	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	N
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-sponsor added: Hernandez.

SB 00-218 by Sen. Powers; Rep. Kaufman--Requiring Jail Inmates To Work

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsors added: Chlouber, Dennis, Tebedo.

READOPTION OF HB00-1185

HB 00-1185 by Rep. Berry; Sen. Matsunaka--Uniform Consumer Credit Code
(Senate voted to recede from its position on the bill as printed in Senate Journal, April 17, pages 1019-1020, but did not take action on readoption on the bill.)

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	N
Dennis	Y	Linkhart	N	Reeves	Y	Wham	Y
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

MESSAGE FROM THE HOUSE

April 18, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1098, amended as printed in House Journal, April 17, page 1600.
HB00-1342, amended as printed in House Journal, April 17, page 1598-1600.
HB00-1435, amended as printed in House Journal, April 14, page 1539-1545.

The House has voted not to concur in the Senate amendments to HB00-1208 and requests that a conference committee be appointed. The Speaker has appointed Representatives Clapp, chairman, Dean, and Miller as House conferees on the First Conference Committee on HB00-1208. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted to reject the Conference Committee Report on SB00-160, and requests the Conferees be discharged and that a second Conference Committee be appointed. The Speaker has appointed Representative Clapp, chairman, Lee and Miller, as House conferees on the Second Conference Committee on SB00-160. The bill is returned

herewith.

The House voted to adhere to its position on HB00-1105.

The House has adopted and returns herewith SJR00-005, amended as printed in House Journal, April 18.

The House has adopted and transmits herewith HJR00-1028, as printed in House Journal, April 18.

The House has adopted and transmits herewith HJR00-1044, as printed in House Journal, April 18.

INTRODUCTION AND IMMEDIATE CONSIDERATION OF RESOLUTION

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

HJR 00-1028 by Representative Paschall; also Senator Arnold--Concerning congratulations to the Metropolitan State College of Denver men’s basketball team on winning the NCAA Division II National Championship. (Printed in House Journal, April 18.)

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

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and Immediate Consideration granted.

Senate in recess.

Senate reconvened.

On motion of Senator Arnold, 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, Blickensderfer, Chlouber, Congrove, Dennis, Dyer, Epps, Evans, Feeley, Hernandez, Hillman, Lamborn, Linkhart, Martinez, Matsunaka, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

Committee of the Whole

On motion of Senator Wattenberg, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Wattenberg 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 00-199 by Sen. Blickensderfer; Rep. Scott--Use Excess State Revenues For Monorail

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, March 10, pages 581-582.)

Amendment No. 2, Appropriations Committee Amendment
(Printed in Senate Journal, April 10, pages 916-918.)

Amendment No. 3, by Senator Reeves

Amend the Appropriations Committee amendment, as printed in Senate Journal, April 10, page 916, after line 70, insert the following:

"after line 16, insert the following:

"(b.5) TO COOPERATE WITH THE DEPARTMENT OF TRANSPORTATION IN DEVELOPING AN INTEGRATED STATEWIDE RAIL TRANSPORTATION PLAN THAT WILL TAKE INTO ACCOUNT MULTIPLE OPTIONS FOR COORDINATING ALTERNATIVE MODES OF RAIL TRANSPORTATION IN STATE STRATEGIC CORRIDORS IDENTIFIED IN THE PLAN AND INCLUDE THE CREATION OF A SEAMLESS STATEWIDE RAIL TRANSPORTATION SYSTEM. THE PLAN SHALL CONSIDER THE RECOMMENDATIONS OF ANY MAJOR INVESTMENT STUDY THAT THE DEPARTMENT OF TRANSPORTATION PARTICIPATED IN AND SHALL IDENTIFY POSSIBLE SOURCES OF FUNDING FROM THE TWENTY YEAR STATE TRANSPORTATION PLAN AND OTHER SOURCES THAT COULD BE USED TO HELP FUND PROJECTS IDENTIFIED IN THE STATEWIDE RAIL TRANSPORTATION PLAN. THE DEPARTMENT SHALL SEEK INPUT FROM, COORDINATE WITH, AND ENTER INTO MEMORANDA OF UNDERSTANDING WITH THE METROPOLITAN PLANNING ORGANIZATIONS RESPONSIBLE FOR TRANSPORTATION PLANNING AND THE TRANSPORTATION PLANNING REGIONS OF THE STATE IN DEVELOPING THE PLAN; SHALL HOLD PUBLIC HEARINGS ON THE DEVELOPMENT OF THE PLAN; SHALL SUBMIT THE PLAN TO THE TRANSPORTATION COMMISSION; AND SHALL COMPLETE THE PLAN NO LATER THAN DECEMBER 31, 2001. THE AUTHORITY SHALL EXPEND MONEYS NECESSARY TO DEVELOP THE PLAN IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS.";

Page 917, line 54, strike "(1)";

line 68, strike "CORRIDOR," and substitute "CORRIDOR THAT WOULD, IF DEVELOPED, BE INCLUDED AS PART OF AN INTEGRATED STATEWIDE RAIL TRANSPORTATION PLAN,";

line 72, strike "PURPOSE" and substitute "PURPOSES".

Page 918, line 1, strike "PLAN," and substitute "PLAN AND THE DEVELOPMENT OF AN INTEGRATED STATEWIDE RAIL TRANSPORTATION PLAN,";

line 8, strike "PLAN, AND OTHERWISE FULFILL ITS" and substitute "PLAN AND EXECUTE ITS OTHER RELATED";

line 12, strike "Congress." and substitute "Congress.";

strike lines 14 through 22 and substitute the following:

"strike lines 40 through 42 and substitute the following:

"Page 1, strike lines 103 through 114 and substitute the following:

"THEREWITH, SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO THE QUESTION OF WHETHER THE NAME OF THE COLORADO INTERMOUNTAIN FIXED GUIDEWAY AUTHORITY SHALL BE CHANGED TO THE COLORADO MONORAIL AUTHORITY, WHETHER THE AUTHORITY SHALL BE AUTHORIZED TO IMPLEMENT ITS MONORAIL TEST PROGRAM AND DEMONSTRATION PROJECT PLAN, WHETHER THE AUTHORITY SHALL BE GIVEN THE POWERS NECESSARY TO IMPLEMENT THE PLAN AND EXECUTE ITS OTHER RELATED DUTIES, WHETHER THE AUTHORITY MAY USE EXCESS STATE REVENUES TO FUND THE IMPLEMENTATION OF THE PLAN AND THE

DEVELOPMENT OF AN INTEGRATED STATEWIDE RAIL TRANSPORTATION
PLAN THAT WOULD INCLUDE ANY MONORAIL DEVELOPED IN THE
CORRIDOR, AND WHETHER THE COLORADO MONORAIL FUND SHALL BE
CREATED."."."

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 18, were laid over
until Wednesday, April 19, retaining their place on the calendar:

HB00-1394, SB00-173.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Wattenberg, 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:

SB00-199, as amended, declared passed on Second Reading.
HB00-1394, SB00-173, laid over until Wednesday, April 19, retaining their place on the
calendar.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate
having voted in the affirmative, the balance of the calendar of Tuesday, April 18, was laid
over until Wednesday, April 19, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly revised: HJR 00-1028.

Correctly engrossed: SB 00-199; SM 00-001.

MESSAGE FROM THE REVISOR

April 18, 2000

We herewith transmit:

without comment, as amended, HB00-1098, 1435, and;
with comment, as amended, HB00-1342.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans,
and Military
Affairs

After consideration on the merits, the committee recommends that the following be
referred favorably to the Committee on Health, Environment, Welfare & Institutions:
HB00-1074

State,
Veterans,
and Military
Affairs

After consideration on the merits, the committee recommends that SB00-213 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.** 24-1-105, Colorado Revised Statutes, is amended to read:

24-1-105. Types of transfers. (1) Under this article, a **type 1** transfer ~~means~~ APPLIES TO the transferring intact of an existing department, institution, or other agency, or part thereof, to a principal department established by this article. When any department, institution, or other agency, or part thereof, is transferred to a principal department under a **type 1** transfer, that department, institution, or other agency, or part thereof, shall be administered under the direction and supervision of that principal department, but it shall exercise its prescribed statutory powers, duties, and functions, including rule-making, regulation, licensing, and registration, the promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications, independently of the head of the principal department. Under a **type 1** transfer, any powers, duties, and functions not specifically vested by statute in the agency being transferred, including, but not limited to, all budgeting, purchasing, planning, and related management functions of any transferred department, institution, or other agency, or part thereof, shall be performed under the direction and supervision of the head of the principal department.

(1.3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY OF THE FOLLOWING DEPARTMENTS, INSTITUTIONS, OTHER AGENCIES, OR PARTS THEREOF, EXERCISING ITS POWERS AND PERFORMING ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 1** TRANSFER AS OF JULY 1, 2000, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 1** TRANSFER AFTER JULY 1, 2000, IN CONFORMITY WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION:

(a) THE STATE DEFERRED COMPENSATION COMMITTEE CREATED BY SECTION 24-52-102 (1) (a) (I) (B);

(b) THE STATE CLAIMS BOARD CREATED IN SECTION 24-30-1508 (1); AND

(c) THE STATE DEFINED CONTRIBUTION RETIREMENT COMMITTEE CREATED IN SECTION 24-54.7-103 (1) (a).

(1.5) (a) UNDER THIS ARTICLE, A **TYPE 2** TRANSFER APPLIES TO THE TRANSFERRING INTACT OF AN EXISTING DEPARTMENT, INSTITUTION, OR OTHER AGENCY, OR PART THEREOF, TO A PRINCIPAL DEPARTMENT ESTABLISHED BY THIS ARTICLE. WHEN ANY DEPARTMENT, INSTITUTION, OR OTHER AGENCY, OR PART THEREOF, IS TRANSFERRED TO A PRINCIPAL DEPARTMENT UNDER A **TYPE 2** TRANSFER, THAT DEPARTMENT, INSTITUTION, OR OTHER AGENCY, OR PART THEREOF, SHALL BE ADMINISTERED UNDER THE DIRECTION AND SUPERVISION OF THAT PRINCIPAL DEPARTMENT BUT, EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH (a), SHALL EXERCISE ITS PRESCRIBED STATUTORY POWERS, DUTIES, AND FUNCTIONS, INCLUDING RULE-MAKING, REGULATION, LICENSING, AND REGISTRATION, THE PROMULGATION OF RULES, RATES, REGULATIONS, AND STANDARDS, AND THE RENDERING OF FINDINGS, ORDERS, AND ADJUDICATIONS. UNDER A **TYPE 2** TRANSFER, ALL POWERS, DUTIES, AND FUNCTIONS OF SUCH DEPARTMENT, INSTITUTION, OR OTHER AGENCY, OR PART THEREOF, WITH RESPECT TO BUDGETING, PERSONNEL, AND INTERNAL ORGANIZATION SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE HEAD OF THE PRINCIPAL DEPARTMENT. ANY ADDITIONAL POWERS, DUTIES, AND FUNCTIONS NOT SPECIFICALLY VESTED BY STATUTE IN THE AGENCY BEING TRANSFERRED SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE HEAD OF THE PRINCIPAL DEPARTMENT.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND WITH THE EXCEPTION OF ANY OF THE DEPARTMENTS, INSTITUTIONS, OTHER AGENCIES, OR PARTS THEREOF LISTED IN SUBSECTION (1.3) OF THIS SECTION, ANY DEPARTMENT, INSTITUTION, OTHER AGENCY, OR PART THEREOF, EXERCISING ITS POWERS AND PERFORMING ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 1** TRANSFER AS OF JULY 1, 2000, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND

FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 2** TRANSFER AFTER JULY 1, 2000, IN CONFORMITY WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.5).

(2) (a) Under this article, a ~~type 2~~ **TYPE 3** transfer means the transferring of all or part of an existing department, institution, or other agency to a principal department established by this article. When all or part of any department, institution, or other agency is transferred to a principal department under a ~~type 2~~ **TYPE 3** transfer, its statutory authority, powers, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting, purchasing, and planning, are transferred to the principal department.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY DEPARTMENT, INSTITUTION, OTHER AGENCY, OR PART THEREOF, EXERCISING ITS POWERS AND PERFORMING ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 2** TRANSFER AS OF JULY 1, 2000, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 3** TRANSFER AFTER JULY 1, 2000, IN CONFORMITY WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) Under this article, a ~~type 3~~ **TYPE 4** transfer means the abolishing of an existing department, institution, or other agency and the transferring of all or part of its powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds to a principal department as specified under this article.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, when any department, institution, or other agency, or part thereof, is transferred by a **type 2**, ~~or type 3~~, OR **TYPE 4** transfer to a principal department under the provisions of this article, its prescribed powers, duties, and functions, including rule-making, regulation, licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the head of the principal department into which the department, institution, or other agency, or part thereof, has been transferred.

SECTION 2. Effective date. This act shall take effect July 1, 2000.

SECTION 3. 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."

State, Veterans, and Military Affairs	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SCR00-009</u>
State, Veterans, and Military Affairs	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-215</u>
Judiciary	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>HB00-1166</u>

Judiciary

After consideration on the merits, the committee recommends that HB00-1317 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 4, line 2, strike "18-3-412.5" and substitute "The introductory portion to 18-3-412.5 (1) (b) and 18-3-412.5 (1) (d),"; strike lines 6 and 7 and substitute the following:

"18-3-412.5. Sex offenders - duty to register - penalties.
(1) (b) On and after July 1, 1994, any person who is convicted in the state of Colorado of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) ~~and any person who has been convicted on and after July 1, 1994, in any other state or jurisdiction of an offense that, if committed in the state of Colorado, would constitute an offense involving unlawful sexual behavior as defined in this subsection (1)~~ or any person who is released from the custody of the department of corrections having completed serving a sentence for an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) shall be required to register in the manner prescribed in subsection (3) of this section. For purposes of this section, "unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(d) In addition to the persons specified in paragraphs (a) and (b) of this subsection (1), any person convicted ~~prior to July 1, 1994, of an offense in any other state or jurisdiction that, if committed in this state, would have constituted unlawful sexual behavior and who,~~ FOR WHICH THE PERSON, as a result of the conviction, is required to register in the state or jurisdiction of conviction, OR FOR WHICH SUCH PERSON WOULD BE REQUIRED TO REGISTER IF CONVICTED IN COLORADO, shall be required to register in the manner specified in subsection (3) of this section so long as such person is a temporary or permanent resident of Colorado. Such person may petition the court for an order that discontinues the requirement for registration in this state at the times specified in subsection (7) of this section for offense classifications that are comparable to the classification of the offense for which the sex offender was convicted in the other state or jurisdiction.

(2) (a) (I) Probation and parole officers, appropriate county jail".

Page 5, line 23, strike "seven days" and substitute "~~seven days~~ FIVE BUSINESS DAYS".

Page 22, after line 4, insert the following:

"SECTION 18. 16-11-311, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal. (11.5) (a) (I) ANY JUVENILE WHO IS SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM FOLLOWING CONVICTION OF AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S., OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, SHALL SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE JUVENILE'S BLOOD TO DETERMINE THE GENETIC MARKERS THEREOF.

(II) COLLECTION OF THE BLOOD SAMPLE SHALL OCCUR AS SOON AS POSSIBLE AFTER BEING SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM, AND THE RESULTS THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

(b) THE DEPARTMENT OF CORRECTIONS OR ITS DESIGNEE OR CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BLOOD SAMPLES IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (11.5).

(c) ANY MONEYS RECEIVED FROM JUVENILES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11.5) SHALL BE DEPOSITED IN THE SEX OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.5, C.R.S.

(d) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BLOOD OBTAINED PURSUANT TO THIS SUBSECTION (11.5).

SECTION 19. 24-33.5-415.5, Colorado Revised Statutes, is amended to read:

24-33.5-415.5. Sex offender identification - fund. There is hereby created in the state treasury the sex offender identification fund, referred to in this section as the "fund". Moneys in the fund shall consist of payments for genetic testing received from offenders pursuant to sections 16-11-104, and 16-11-204.3 (1) (a), AND 16-11-311, C.R.S., AND SECTIONS 19-2-924 AND 19-2-925.5, C.R.S. The fund shall also include any additional moneys that may be appropriated thereto by the general assembly to fund the costs incurred in genetic testing of sex offenders. Subject to annual appropriations by the general assembly, the executive director and the state court administrator are authorized to expend moneys in the fund to pay for genetic testing of offenders pursuant to sections 16-11-104, and 16-11-204.3 (1) (a), AND 16-11-311, C.R.S., AND SECTIONS 19-2-924 AND 19-2-925.5, C.R.S. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the committee recommends that HB00-1111 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 3, after line 20, insert the following:

"SECTION 5. 42-3-121 (2) (a) (II), Colorado Revised Statutes, is amended to read:

42-3-121. Parking privileges for persons with disabilities - applicability. (2) (a) A person with a disability may apply to the motor vehicle division of the department for:

(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. Any placard valid for more than ninety days issued by the motor vehicle division pursuant to this section shall have printed on the placard ~~either the Colorado driver's license number or the Colorado identification card number of the person or persons with the disability~~ A NUMBER ASSIGNED TO THE PLACARD THAT CORRESPONDS TO IDENTIFYING INFORMATION OF THE PERSON OR PERSONS WITH THE DISABILITY. IDENTIFYING INFORMATION ABOUT THE PERSON OR PERSONS WITH THE DISABILITY SHALL BE STRICTLY CONFIDENTIAL AND ONLY AVAILABLE TO LAW ENFORCEMENT OR TO PERSONNEL WITHIN THE DEPARTMENT FOR OFFICIAL BUSINESS RELATED TO SUCH PLACARD. Such ~~identifying~~ ASSIGNED number shall be legible to any law enforcement officer or authorized parking enforcement official when viewed from outside the vehicle. Any placard issued by the motor vehicle division pursuant to this section shall be renewed every three years in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed."

Renumber succeeding sections accordingly.

Judiciary	After consideration on the merits, the committee recommends that <u>HB00-1232</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:	1 2 3 4
	Amend reengrossed bill, page 2, line 2, after "POST", insert "A LINK";	5 6
	line 3, after "INTERNET", insert "TO".	7 8 9
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>SB00-220</u>	10 11 12 13 14 15
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>HB00-1270</u>	16 17 18 19 20 21
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>HB00-1280</u>	22 23 24 25 26 27
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB00-1446</u>	28 29 30 31 32 33 34
Appropriations	After consideration on the merits, the committee recommends that <u>HB00-1417</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	35 36 37 38 39
	Amend reengrossed bill, page 2, strike lines 23 through 26.	40 41
	Page 3, strike lines 1 through 4.	42 43
	Renumber succeeding sections accordingly.	44 45
	Page 1, strike lines 102 through 103 and substitute "CONSTRUCTION MATERIALS."	46 47 48 49
Appropriations	After consideration on the merits, the committee recommends that <u>HB00-1345</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	50 51 52 53
	Amend reengrossed bill, page 8, strike lines 2 through 6.	54 55
	Page 12, line 12, strike "ON AND AFTER JULY 1, 2000, THE" and substitute "THE".	56 57 58
	Page 15, after line 6, insert the following:	59 60
	"24-32-3110. Training of inspectors - acceptance of gifts, grants, and donations. (1) ON AND AFTER JULY 1, 2000, THE DIVISION SHALL TRAIN INDEPENDENT CONTRACTORS TO PERFORM INSTALLATION INSPECTIONS FOR MANUFACTURED HOMES. SUCH TRAINING SHALL ENABLE INDEPENDENT CONTRACTORS WHO SUCCESSFULLY COMPLETE THE TRAINING TO BECOME CERTIFIED BY THE DIVISION.	61 62 63 64 65 66 67
	(2) ON AND AFTER JULY 1, 2000, THE DIVISION MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FOR THE TRAINING OF INDEPENDENT CONTRACTORS. SUCH GIFTS, GRANTS, OR DONATIONS RECEIVED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE MANUFACTURED HOME FUND, CREATED IN SECTION	68 69 70 71 72

6-1-603, C.R.S."

Page 16, strike lines 20 through 24, and substitute the following:

"2001; except that section 24-32-3110, Colorado Revised Statutes, in section 1 of this act, and sections 5 through 7 of this act shall take effect July 1, 2000."

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1178

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

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1420

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1086

Appropriations After consideration on the merits, the committee recommends that HB00-1323 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 19, strike "thirty-eight thousand five hundred dollars (\$38,500)," and substitute "twenty-three thousand one hundred dollars (\$23,100),".

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1093

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1116

Appropriations After consideration on the merits, the committee recommends that HB00-1103 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Strike the Finance Committee amendment, as printed in Senate Journal, March 8, page 553, lines 40 through 45, and substitute the following:

"Amend reengrossed bill, page 2, line 4, strike "SIXTY-FIVE ONE-HUNDREDTHS" and substitute "SIX-TENTHS";

line 24, strike "THIRTY-EIGHT" and substitute "FORTY-FIVE".

Page 4 of the reengrossed bill, line 4, strike "SIXTY-FIVE ONE-HUNDREDTHS" and substitute "SIX-TENTHS";

line 18, strike "SIXTY-FIVE ONE-HUNDREDTHS" and substitute "SIX-TENTHS";

line 23, strike "forty-nine thousand eight hundred seventeen dollars (\$49,817)," and substitute "fifty-three thousand five hundred seventy-seven dollars (\$53,577),".

Page 5, line 4, strike "forty-nine thousand eight" and substitute "fifty-three thousand five hundred seventy-seven dollars (\$53,577).";

strike line 5;

line 7, strike "forty-" and substitute "fifty-three thousand five hundred seventy-seven dollars (\$53,577).";

strike line 8."

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1375

Appropriations After consideration on the merits, the committee recommends that HB00-1422 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 23 through 26, and substitute the following:

"SECTION 3. Transfer of appropriation. From the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2000, to the department of agriculture for operating expenses for the prevention of cruelty to animals, the sum of ten thousand dollars (\$10,000) is hereby transferred to the department of public safety, division of criminal justice, from the animal protection fund, for the implementation of this act. These moneys shall be designated as cash funds exempt."

Page 3, strike lines 1 through 6.

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1330

Judiciary After consideration on the merits, the committee recommends that HB00-1158 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, line 5, after "ANY", insert "OFFENSE WHICH WOULD OTHERWISE BE A";

line 15, strike "OFFENDER." and substitute "OFFENDER, AND SUCH PERSON SHALL BE CONVICTED OF A CLASS 5 FELONY."

Page 4, line 11, strike "13-14-102 (5)" and substitute "The introductory portion to 13-14-102 and 13-14-102 (5)";

strike line 13 and substitute the following:

"13-14-102. Civil restraining orders. (1) Any municipal court of record, if authorized by the municipal governing body, any county court, and any district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order AGAINST AN ADULT OR AGAINST A JUVENILE WHO IS TEN YEARS OF AGE OR OLDER for any of the following purposes:

(5) Upon the filing of a".

Page 9, after line 16, insert the following:

"SECTION 9. Repeal. 19-2-707 (1) (b), Colorado Revised Statutes, is repealed as follows:

19-2-707. Mandatory restraining order. (1) (b) ~~A restraining~~

~~order to prevent domestic abuse, as defined in section 14-4-101 (2), C.R.S., may be issued pursuant to this section against any juvenile and the juvenile's parents or legal guardian, based upon the standards set forth in section 13-14-102 (4), C.R.S."~~

Renumber succeeding sections accordingly.

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1263

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SCR00-007

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

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

Amend reengrossed bill, page 2, line 16, after "(I)", insert "(A)";

line 21, strike "(II)" and substitute "(B)";

line 24, strike "CLAIMED." and substitute "CLAIMED; AND";

after line 24, insert the following:

"(II) (A) FOR A RESIDENT INDIVIDUAL FILING A SINGLE RETURN, THE RESIDENT INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME DOES NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL, ADJUSTED FOR FAMILY SIZE, FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE INCOME TAX YEAR FOR WHICH THE CREDIT IS BEING CLAIMED; OR

(B) FOR TWO RESIDENT INDIVIDUALS FILING A JOINT RETURN, THE RESIDENT INDIVIDUALS' FEDERAL ADJUSTED GROSS INCOME DOES NOT EXCEED ONE HUNDRED EIGHT-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL, ADJUSTED FOR FAMILY SIZE, FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE INCOME TAX YEAR FOR WHICH THE CREDIT IS BEING CLAIMED."

Page 3, strike lines 22 through 26 and substitute the following:

"(3) IF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION EXCEEDS THE INCOME TAXES OTHERWISE DUE ON THE CLAIMANT'S INCOME, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET AGAINST INCOME TAXES MAY NOT BE CARRIED FORWARD AS AN OFFSET AGAINST SUBSEQUENT YEARS' INCOME TAX LIABILITY AND SHALL BE REFUNDED TO THE CLAIMANT."

Page 4, strike lines 1 and 2.

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

Amend reengrossed bill, page 2, strike lines 2 and 3 and substitute the following:

"**SECTION 1.** Section 39-22-119 (2) and (3), Colorado Revised Statutes, are";

line 7, strike "(1.5) (a) Notwithstanding the";

strike lines 8 through 25.

Page 3, strike lines 1 through 5;

line 19, after "SECTION,", insert "AND SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION,";

line 20, strike "2000," and substitute "2000, FOR WHICH CREDITS ARE ALLOWED PURSUANT TO SUBSECTION (1.5) OF THIS SECTION,".

Page 4, line 5, strike "NOT BE ALLOWED A CREDIT UNDER";

strike line 6 and substitute the following:

"BE ALLOWED ADDITIONAL CREDITS";

line 11, strike "SEVENTY" and substitute "TWENTY";

line 13, strike "RETURN;" and substitute "RETURN IF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IS SIXTY THOUSAND DOLLARS OR LESS OR SEVENTY PERCENT OF THE CREDIT FOR CHILD CARE EXPENSES CLAIMED ON THE INDIVIDUAL'S FEDERAL TAX RETURN IF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IS MORE THAN SIXTY THOUSAND DOLLARS BUT LESS THAN SIXTY-FOUR THOUSAND ONE DOLLARS,";

line 21, strike "THREE" and substitute "ONE";

line 23, strike "CLAIMED." and substitute "CLAIMED IF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IS SIXTY THOUSAND DOLLARS OR LESS OR THREE HUNDRED DOLLARS IF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IS MORE THAN SIXTY THOUSAND DOLLARS BUT LESS THAN SIXTY-FOUR THOUSAND ONE DOLLARS.";

line 24, strike "IN LIEU OF" and substitute "IN ADDITION TO";

line 25, strike "PARAGRAPH (b) OF THIS SUBSECTION (5)," and substitute "SUBPARAGRAPH (II) OF THIS PARAGRAPH (a),".

Page 5, line 10, strike "TWELVE YEARS OF AGE OR UNDER" and substitute "SIX YEARS OF AGE OR OLDER BUT LESS THAN THIRTEEN YEARS OF AGE";

after line 19, insert the following:

"(7) (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 THE STATE FISCAL YEAR COMMENCING ON 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 _____ DOLLARS, THEN THE CREDITS AUTHORIZED BY SUBSECTION (5) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2000.

(b) 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, 2000, 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 _____ DOLLARS, AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (7), THEN THE CREDITS AUTHORIZED BY SUBSECTION (5) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE INCOME TAX YEAR IN WHICH SAID STATE FISCAL YEAR ENDED.

(c) (I) NO LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2001, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE DOLLAR AMOUNT SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (7) 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 SUBPARAGRAPH (I), "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.

(II) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR AMOUNT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), 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.

(III) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL 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 SUBPARAGRAPH (III) SHALL BE CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

(IV) (A) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS PARAGRAPH (c), 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 (A) SHALL BE CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH (c).

(B) FOR THE PURPOSE OF DETERMINING WHETHER THE CREDITS AUTHORIZED BY SUBSECTION (5) OF THIS SECTION ARE TO BE ALLOWED FOR ANY GIVEN INCOME TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) OR OTHERWISE SPECIFIED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV).".

Renumber succeeding subsections accordingly.

INTRODUCTION OF BILLS

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

- SB

00-228

by Senator Epps--Concerning credentials of health care professionals.
Health, Environment, Welfare & Institutions
- HB

00-1098

by Representative Johnson; also Senator Dennis--Concerning authority for implementation of the wildlife conservation landowner hunting preference program for wildlife habitat improvement.
Agriculture, Natural Resources, and Energy
Appropriations

- HB 00-1342

by Representatives Morrison, Alexander, Berry, Gotlieb, Johnson, Keller, Mace, Spence, Swenson, Williams S., and Young; also Senator Lamborn--Concerning provision of services to youth, and making an appropriation in connection therewith.
Health, Environment, Welfare & Institutions
Appropriations

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- HB 00-1435

by Representative Kaufman; also Senator Lamborn--Concerning article 9 of the "Uniform Commercial Code" on secured transactions.
Business Affairs & Labor

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INTRODUCTION OF RESOLUTION

The following resolution was read by title:

- HJR 00-1044

by Representative Grossman; also Senator Pascoe--Concerning Colorado Children’s Day. (Printed in House Journal, April 18.)

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- Laid over one day under Senate Rule 30(e), and placed on the calendar of Wednesday, April 19.

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MESSAGE FROM THE GOVERNOR

Appoint-
ment

A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

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April 12, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

HAZARDOUS WASTE COMMISSION

for a term expiring August 1, 2002:

Jeannie S. Wilson of Arvada, Colorado, to serve as a member of the public and as an Unaffiliated, appointed.

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 4/18/00
P. Dicks, Secretary

Committee on Business Affairs and Labor.

APPOINTMENTS TO CONFERENCE COMMITTEE

- HB 00-1208

by Rep. Clapp; Senator Teck--Lawsuits Against Firearms Manufacturers

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- The President appointed Senators Teck, Chairman, Hillman and Nichol as Senate Conferees on the First Conference Committee on HB00-1208 .

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On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Wednesday,
April 19, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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