

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

98<sup>th</sup> Legislative DayTuesday, April 11, 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, 33. Absent/Excused--Lacy, Wattenberg--Total, 2. Present later--Lacy, Wattenberg.	
Quorum	The President announced a quorum present.	
Reading of Journal	On motion of Senator Epps, reading of the Journal of Monday, April 10 <sup>th</sup> was dispensed with and the Journal stands approved as corrected by the Secretary.	
	<b>SENATE SERVICES REPORT</b>	
Senate Services	Correctly printed: SCR 00-009.	
	<b>MESSAGE FROM THE GOVERNOR</b>	
	April 10, 2000	
	To the Honorable Senate Sixty-second General Assembly Second Regular Session Denver, CO 80203	
	Ladies and Gentlemen:	
	I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:	
	<b>SB 00 - 186</b> - Concerning Education Reform, And Making An Appropriation Therefor.	
	Approved April 10, 2000 at 9:46 a.m.	
	<b>SB 00 - 191</b> - Concerning An Interstate Compact For Adult Offender Supervision.	
	Approved April 10, 2000 at 11:22 a.m.	
	Sincerely, (Signed) Bill Owens Governor Rec'd 4/10/00 G. Aberle, Asst. Secretary	
	<b>MESSAGES FROM THE GOVERNOR</b>	
Appoint-ments	Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:	

March 15, 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:

That Michele Dressel of Glenwood Springs, Colorado, be and she is hereby appointed to the:

COLORADO HOUSING AND FINANCE AUTHORITY

for a term expiring on July 1, 2001:

to serve as representative of mortgage banking and as a Republican, and to replace Diana Gardner who resigned.

Sincerely,  
(Signed)  
Bill Owens  
Governor  
Rec'd 4/6/00  
P. Dicks, Secretary

Committee on Finance

March 15, 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, reappoint and submit to your consideration, the following:

COLORADO COMMISSION ON  
HIGHER EDUCATION

for a term expiring July 1, 2000:

James M. Stewart of Colorado Springs, Colorado, to serve as a representative of the Fifth Congressional District, and as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor  
Rec'd 4/6/00  
P. Dicks, Secretary

Committee on Education

March 15, 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:

MEMBER  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2000:

William T. Martin to serve as a representative of the Fifth Congressional District and as a Republican to fill the vacancy occasioned by the resignation of James Stewart.

Sincerely,  
(Signed)  
Bill Owens  
Governor  
Rec'd 4/6/00  
P. Dicks, Secretary

Committee on Education

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The President has signed: HB00-1207 and 1352.

**THIRD READING OF BILL--FINAL PASSAGE**

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB 00-133 by Sen. Arnold; Rep. Gotlieb--Safe Schools

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

YES	32	NO	2	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	N
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	N
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-sponsor added: Chlouber.

Committee  
of the  
Whole

On motion of Senator Epps, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Epps 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 00-049 by Sen. Feeley; Rep. Tate--Special Ed Children With Disabilities

Laid over until Wednesday, April 12, retaining its place on the calendar.

SCR 00-005 by Sen. Owen; Rep. Pfiffner--Repeal Outdated Provisions of Constitution

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment  
(Printed in Senate Journal, April 5, page 854.)

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

SB 00-209 by Sen. Lamborn; Rep. Kaufman--Retirement Plan Investment Standards

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

SCR 00-006 by Sen. Chlouber; Rep. McPherson--Eliminating Office of Lieutenant Governor

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

SB 00-208 by Sen. Congrove; Rep. Mitchell--Search Warrants

Amendment No. 1, Judiciary Committee Amendment  
(Printed in Senate Journal, April 5, pages 857-859.)

Amendment No. 2, by Senator Congrove

Amend the committee amendment, as printed in Senate Journal, April 5, page 857, line 71, after "C.R.S.", add "SUCH REVIEW AND APPROVAL MAY TAKE PLACE AS ALLOWED BY STATUTE OR COURT RULE OR BY MEANS OF FACSIMILE TRANSMISSION, TELEPHONIC TRANSMISSION, OR OTHER ELECTRONIC TRANSFER."

Amendment No. 3, by Senator Perlmutter

Amend the committee amendment, as printed in Senate Journal, April 5, page 858, line 28, strike "ATTORNEY", and substitute "ATTORNEY, INCLUDING ANY ASSISTANT DISTRICT ATTORNEY, CHIEF DEPUTY DISTRICT ATTORNEY, OR DEPUTY DISTRICT ATTORNEY,"

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

HB 00-1070 by Rep. Saliman; Sen. Phillips--Temporary License Plates

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

SB 00-177 by Sen. Anderson; Rep. Mitchell--Hazardous Waste Commission

Amendment No. 1, Transportation Committee Amendment  
(Printed in Senate Journal, February 11, pages 283-284.)

Amendment No. 2, Appropriations Committee Amendment  
(Printed in Senate Journal, April 6, pages 867-869.)

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

SB 00-146 by Sen. Musgrave; Rep. McKay--Original Plates On Antique Vehicles

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

Amendment No. 2, by Senator Matsunaka

Amend printed bill, page 2, after line 26, insert the following:

"**SECTION 2.** 42-4-304 (18), Colorado Revised Statutes, is amended to read:

**42-4-304. Definitions relating to automobile inspection and readjustment program.** As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle ~~which~~ THAT is operated with four wheels or more on the ground, self-propelled by a spark ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to section 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-310 (1) (c). "Motor vehicle" does not include vehicles registered pursuant to section 42-3-134 (12) or 42-3-138, vehicles registered pursuant to section 42-12-102 ~~which~~ THAT are of model year 1959 or earlier or ~~which~~ THAT have two-stroke cycle engines manufactured prior to 1980, VEHICLES THAT QUALIFY AS COLLECTORS' ITEMS UNDER SECTIONS 42-12-102 OR 42-3-138 AND ARE REGISTERED PURSUANT TO SECTION 42-3-114, or vehicles registered as street rods pursuant to section 42-3-114."

Renumber succeeding section accordingly.

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

SB 00-137 by Sen. Wham; Rep. Lawrence--Members Cap Bldg Adv Committee

Amendment No. 1, Appropriations Committee Amendment  
(Printed in Senate Journal, April 6, pages 869-870.)

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

SB00-174 by Sen. Musgrave; Rep. McKay--Workers' Compensation Premiums

Amendment No. 1, Business Affairs and Labor Committee Amendment  
(Printed in Senate Journal, March 7, pages 539-540.)

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

SB00-042 by Sen. Sullivant; Rep. Gotlieb--Council For Persons With Disabilities

Amendment No. 1, Health, Environment, Welfare and Institutions Committee Amendment  
(Printed in Senate Journal, January 24, page 147.)

Amendment No. 2, by Senator Sullivant

Amend printed bill, page 2, line 7, after ""COUNCIL."" , insert "THE COUNCIL SHALL REPLACE THE GOVERNOR'S ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES PREVIOUSLY CREATED BY EXECUTIVE ORDER." ;

line 15, strike "DISABILITIES" and substitute "DISABILITIES, AS DEFINED IN PUBLIC LAW 101-336," ;

line 26, strike "AND PLANS" and substitute "PLANS, AND DISABILITY-RELATED COUNCILS".

Page 3, line 14, strike "AND" ;

after line 14, insert the following:

"(e) CONDUCT A STUDY TO DEVELOP A STATE DEFINITION FOR THE TERMS "DISABLED" AND "SEVERELY DISABLED" ; AND"

line 15, strike "(e)" and substitute "(f)".

Amendment No. 3, by Senator Sullivant

Amend printed bill, page 3, strike line 1 and substitute the following:

"DISABILITIES EXCEPT AS OTHERWISE PROVIDED BY STATUTE;" ;

line 6, strike "HOUSING;" and substitute "HOUSING EXCEPT AS OTHERWISE PROVIDED BY STATUTE;" .

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 11, were laid over until Wednesday, April 12, retaining their place on the calendar:

SB00-184, SB00-054, SB00-194, HB00-1262, SB00-044, SB00-062, SB00-076, SB00-163, HB00-1383, SB00-212, HB00-1368, HB00-1173, SB00-175.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Epps, 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:

SB00-209, SCR00-006, HB00-1070 declared passed on Second Reading.  
SCR00-005, as amended; SB00-208, as amended; SB00-177, as amended; SB00-146, as amended; SB00-137, as amended; SB00-174, as amended; SB00-042, as amended, declared passed on Second Reading.  
SB00-049, SB00-184, SB00-054, SB00-194, HB00-1262, SB00-044, SB00-062, SB00-076, SB00-163, HB00-1383, SB00-212, HB00-1368, HB00-1173, SB00-175 laid over until Wednesday, April 12, 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 11, was laid over until Wednesday, April 12, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services      Correctly engrossed: SB 00-042, 137, 146, 174, 177, 208, 209;  
SCR 00-005, 006.  
  
Correctly revised: HB 00-1070.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, and Military Affairs      After consideration on the merits, the committee recommends that HB00-1394 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Strike the committee amendment, as printed in Senate Journal, March 24, page 735, lines 47 through 72, and page 736, lines 1 through 6.

State, Veterans, and Military Affairs      After consideration on the merits, the committee recommends that HB00-1462 be amended as follows and, as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend reengrossed bill, page 6, line 5, after "SECTION", insert "THAT AUTHORIZED AN INCENTIVE PAYMENT OR CREDIT IN AN AMOUNT IN EXCESS OF TWO HUNDRED FIFTY THOUSAND DOLLARS AND";

line 19, strike "(3)." and substitute "(3); OR";

after line 19, insert the following:

"(III) IS CERTIFIED PURSUANT TO SUBSECTION (5) OF THIS SECTION BY THE OFFICE OF BUSINESS DEVELOPMENT WITHIN THE OFFICE OF THE GOVERNOR AS QUALIFIED TO CLAIM THE CREDIT AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND WAS A PARTY TO AN AGREEMENT WITH A SCHOOL DISTRICT ENTERED INTO PURSUANT TO SECTION 22-32-110 (1) (ff) OR (1) (gg), C.R.S., AS OF THE EFFECTIVE DATE OF THIS SECTION THAT AUTHORIZED AN INCENTIVE PAYMENT OR CREDIT IN AN AMOUNT EQUAL TO OR LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS AND THAT HAS EXPIRED PURSUANT TO THE TERMS OF THE AGREEMENT AFTER THE EFFECTIVE DATE OF THIS SECTION."

Page 7, strike line 26 and substitute the following:

"FOR THE STATE FISCAL YEAR IMMEDIATELY FOLLOWING THAT FISCAL YEAR."

Page 8, line 2, after "(I)", insert "OR (III)";

line 26, after "DEVELOPMENT", insert "WITHIN THE OFFICE OF THE GOVERNOR".

Page 9, line 5, after "(I)", insert "OR (III)";

strike lines 10 through 15 and substitute the following:

"THE EFFECTIVE DATE OF THIS SECTION."

Page 10, strike lines 2 through 6 and substitute the following:

"CLAIMED.";

line 8, strike "TWELVE" and substitute "TWENTY";

line 10, strike "EXCEED" and substitute "EXCEEDS";

line 13, after "(I)", insert "OR (III)", and strike "SECTION." and substitute "SECTION, AND THE AMOUNT OF THE CREDITS SHALL BE DISTRIBUTED PRO RATA AMONG SAID QUALIFIED TAXPAYERS.";

line 21, after "SECTION", insert "OR THAT EXPIRED PURSUANT TO THE TERMS OF THE AGREEMENT AFTER THE EFFECTIVE DATE OF THIS SECTION";

line 25, after "(I)", insert "OR (III)".

Page 11, line 11, strike "COMMISSION." and substitute "OFFICE."

Page 12, line 14, strike "THIS PARAGRAPH (e)" and substitute "PARAGRAPH (d) OF THIS SUBSECTION (5)";

line 15, strike "TAXPAYER," and substitute "TAXPAYER AND THE NUMBER OF FISCAL YEARS IN WHICH THE CREDIT MAY BE CLAIMED,";

line 23, after "CREATED", insert "OR RETAINED".

Page 13, line 1, strike "OFFICE" and substitute "OFFICE,";

line 5, strike the second "OFFICE" and substitute "OFFICE,";

line 8, strike "SECTION." and substitute "SECTION, AND THE OFFICE SHALL PROMPTLY ISSUE A CERTIFICATION TO SAID TAXPAYER.";

line 21, strike "2005," and substitute "2010,";

line 22, strike "2005," and substitute "2010,".

Page 14, line 11, strike "FORM AND" and substitute "FORM,";

line 12, strike "PAYMENT" and substitute "PAYMENT, AND CERTIFICATION";

after line 13, insert the following:

"(7) THE DEPARTMENT OF REVENUE SHALL EVALUATE ALL CLAIMS FILED PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SHALL ALLOW, ALLOCATE, OR DENY SUCH CREDITS IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 17, line 23, strike "**Repeal.**";

strike lines 24 through 26 and substitute the following:

"is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**22-54-106. Local and state shares of district total program - repeal.** (8) (e) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBSECTION (8) SHALL APPLY ONLY TO AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-32-110 (1) (ff) OR (1) (gg) PRIOR

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TO THE EFFECTIVE DATE OF THIS PARAGRAPH (e) THAT AUTHORIZE AN INCENTIVE PAYMENT OR CREDIT IN AN AMOUNT EQUAL TO OR LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS AND SHALL NOT APPLY TO ANY SUCH AGREEMENTS ENTERED INTO OR RENEWED ON OR AFTER SAID DATE.

(f) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE FOUR YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (f).".

Strike page 18.

Page 19, strike lines 1 through 10.

Judiciary      After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-218

MESSAGE FROM THE HOUSE

April 11, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB00-011, amended on Third Reading as printed in House Journal April 11, 2000.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1136, amended as printed in House Journal, April 10, page 1384-1385.  
HB00-1140, amended as printed in House Journal, April 10, pages 1381-1382.  
HB00-1168, amended as printed in House Journal, April 10, page 1382.  
HB00-1437, amended as printed in House Journal, April 7, pages 1374-1375.  
HB00-1440, amended as printed in House Journal, April 10, page 1384.

MESSAGE FROM THE REVISOR

April 11, 2000

We herewith transmit:

without comment, SB00-011; and  
without comment, as amended, HB00-1136, 1140, 1168, 1437, and 1440.

INTRODUCTION OF BILLS

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

- SB    00-222 by Senator Dennis; also Representative Lawrence--Concerning the transfer of certain real property held by the state of Colorado in Pueblo county to the city of Pueblo for the historic Arkansas river project.  
                 Local Government
- HB    00-1136 by Representative Tapia; also Senator Thiebaut--Concerning the creation of the learning improvement grant program for public schools.  
                 Education
- HB    00-1140 by Representative McPherson; also Senator Lamborn--Concerning the accurate measurement of value used to assess vehicle taxes, and making an appropriation in connection therewith.  
                 Finance  
                 Appropriations

- HB00-1168

by Representatives Tate, Kaufman, and Morrison; also Senator Rupert--Concerning expansion of the crime of ethnic intimidation, and, in connection therewith, changing the name of the crime to a hate crime, and making an appropriation therefor.  
State, Veterans, & Military Affairs  
Appropriations
- HB00-1440

by Representatives Pfiffner, May, McKay, Paschall, Allen, Fairbank, Grossman, Hagedorn, King, Lawrence, Mitchell, Spence, Stengel, Tool, and Young; also Senators Hillman, Chlouber, Lamborn, Andrews, Arnold, Blickensderfer, Owen, Sullivant, and Teck--Concerning taxation relating to the internet.  
Finance

INTRODUCTION OF RESOLUTIONS

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

- SJR00-018

by Senators Andrews, Arnold, Congrove, Dyer, Epps, Evans, Lamborn, Musgrave, Owen, and Tebedo; also Representatives Nunez, Alexander, Clapp, Fairbank, Hefley, Kester, King, Lee, May, McKay, Mitchell, Paschall, Pfiffner, Scott, Sinclair, Spradley, Stengel, Swenson, Taylor, Webster, Witwer, and Young--Concerning the Chinese People's Liberation Army's use of funds obtained in the capital markets of the United States.  
Business Affairs & Labor
- SJR00-019

by Senators Matsunaka, Dyer, Feeley, Hernandez, Linkhart, Martinez, Nichol, Perlmutter, Phillips, Reeves, Rupert, Thiebaut, and Weddig--Concerning the declaration of a state emergency in the town of Fort Morgan in order to access funds in the State Emergency Reserve for the cleanup of Fort Morgan High School.  
Finance  
Appropriations

TRIBUTES--A POINT OF INTEREST

- Honoring Gene Amole by Senator Linkhart
- Honoring Polly Baca by Senator Linkhart
- Honoring Brett Joseph Lawrence - Eagle Scout - by Senator Blickensderfer
- Honoring Brian Corvin Pulk - Eagle Scout - by Senator Blickensderfer

On motion of Senator Dyer, the Senate adjourned until 9:00 a.m., Wednesday, April 12, 2000.

Approved:

Ray Powers  
President of the Senate

Attest:

Patricia K. Dicks  
Secretary of the Senate

