

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Fiftieth Legislative Day

Wednesday, February 28, 2001

Prayer By the chaplain, Reverend Paul Kottke, University Park Methodist Church.

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

Roll Call Present--Total, 32.
Absent/Excused--Andrews, Musgrave, Owen--Total 3.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Tuesday, February 27, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01- 203, 204, SCR01-001, SCR01-002.

Correctly reengrossed: SB01-156, 178, 155, 141, 066, 104, 074, 092, 135, 144.

Correctly rerevised: HB01-1057, 1039, 1200, 1016, 1055, 1099, 1116, 1067, 1043, 1005, 1006, 1015, 1032, 1024, 1118, 1185, 1241.

Correctly engrossed: SB01-079, 097, 169.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1115** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

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

**MEMBERS OF THE
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY**

for terms expiring June 30, 2004:

Ann C. Kiley of Denver, Colorado, to serve as a Democrat, reappointed;

Kent C. Veio of Denver, Colorado, to serve as a Republican, appointed.

Education After consideration on the merits, the committee recommends that **HB01-1035** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "23-1-102 (4) and (5)," and substitute "23-1-102 (3) (a), (4), and (5),";

strike line 5 and substitute the following:

"terms of office. (3) (a) The commission shall consist of ~~nine~~ ELEVEN

HB01-1035

members to be appointed by the governor with the consent of the senate.
 The members of the commission shall be selected on the basis of their
 knowledge of and interest in higher education and shall serve for
 four-year terms; except that, of the members first appointed to the
 commission, five members shall serve for terms of two years, and four
 members shall serve for terms of four years. No member of the
 commission may serve more than two consecutive full four-year terms.

(4) At the time of appointment, no member of the";

strike lines 6 through 12 and substitute the following:

"commission shall have been an officer, employee, or member of a
 governing board or an officer or employee of any state-supported
 institution of higher education in the state for a period of ~~two years~~ ONE
 YEAR prior to his appointment. During his OR HER term of office, no
 member of the commission shall be a member of the general assembly or
 an officer, employee, or member of a governing board or an officer or
 employee of a state-supported institution of higher education.";

line 13, strike "five" and substitute "~~five~~ SIX";

line 18, strike "nine" and substitute "~~nine~~ ELEVEN";

after line 22, insert the following:

"SECTION 2. 23-60-104 (2) (a) (I), Colorado Revised Statutes,
 is amended to read:

**23-60-104. State board for community colleges and
 occupational education - student advisory council - state advisory
 council.** (2) (a) (I) The board shall consist of eleven members, nine of
 whom shall be appointed by the governor with the consent of the senate.
 The board shall appoint a director of occupational education and a
 director of community and technical colleges with the qualifications and
 background specified by the board. Within thirty days of April 14, 1986,
 the governor shall appoint the initial members of the board. An initial
 appointee shall be authorized to act as a duly confirmed member of the
 board until such time as the senate has acted on such appointment. The
 governor may appoint, as a member of the board, any person who was a
 member of the board prior to its termination. No appointed member shall
 be an employee of any junior college, community or technical college,
 school district or agency receiving vocational funds allocated by the
 board, ~~state or~~ private institution of higher education, or state or private
 occupational school in the state. No appointed member shall be an
 elected or appointed statewide official of the state of Colorado or member
 of the governing board of any state-supported institution of higher
 education. The board shall at no time have more than five appointed
 members of any one political party. The board shall at all times have one
 member from each congressional district in the state. A vacancy on the
 board occurs whenever any member moves out of the congressional
 district from which he was appointed. A member who moves out of such
 congressional district shall promptly notify the governor of the date of
 such move, but such notice is not a condition precedent to the occurrence
 of the vacancy. The governor shall fill the vacancy as provided in
 paragraph (c) of this subsection (2). Members of the board shall be
 appointed so as to insure that all geographic areas of the state are
 represented. A state student advisory council of student members who
 are enrolled for a minimum of nine hours shall be elected, one each, from
 and by the student bodies of each of the campuses governed by the
 board."

Renumber succeeding section accordingly.

Education

After consideration on the merits, the committee recommends that **HB01-1146** be
 referred favorably to the Committee of the Whole.

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Education

After consideration on the merits, the committee recommends that **HB01-1041** be referred favorably to the Committee of the Whole.

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:

Call of Senate--Call Raised.

SB01-079

by Senators Windels and Phillips; also Representative Alexander--The creation of a mechanism for authorizing grandparent visitation time with grandchildren in certain limited circumstance, and in connection therewith, authorizing grandparents to petition for grandchild visitation time when there is or had been a significant beneficial relationship for the child between the grandparent and the child and the party with legal custody of or decision-making responsibilities for the child has unreasonably denied the grandparent opportunity to visit the child and authorizing the court to grant grandchild visitation to grandparents who meet the standing requirements when there is a finding, by clear and convincing evidence, that the visitation is in the best interests of the child, that it is necessary to prevent harm or potential harm to the child, and that such visitation will not significantly interfere with the relationship between the child and the party with legal custody of or decision-making responsibilities for the child.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	14	EXCUSED	3	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	E	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	E	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	E	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hernandez.

SB01-097

by Senators Pascoe and Matsunaka; also Representative Plant--Concerning regional planning for growth management.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	16	NO	16	EXCUSED	3	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	N
Andrews	E	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	E	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	N	Teck	N
Chlouber	N	Hanna	Y	Owen	E	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **lost**.

SB01-169

by Senator Linkhart; also Representative Stafford--Concerning work force training programs.

A majority of those elected to the Senate having voted in the affirmative, Senator Linkhart was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Linkhart.

Amend engrossed bill, page 2, strike lines 2 through 23.

SB01-169

Renumber succeeding sections accordingly.

A majority of all members elected of the Senate having voted in the affirmative, the amendment was declared **passed**.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	E	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Gordon, Hernandez, Pascoe, Perlmutter, Phillips, Tate, Tupa.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders-- Second Reading of Bills calendar (**HB01-1186, HB01-1004, HB01-1048, HB01-1063, HB01-1080**) of Wednesday, February 28, 2001, was laid over until Friday, March 2, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions calendar (**HJR01-1014**) of Wednesday, February 28, 2001, was laid over until Thursday, March 1, 2001, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-181

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning a supplemental appropriation to the department of education.

Senator Reeves moved that the Senate concur in House amendments to **SB01-181**, as printed in House Journal, February 23, 2001, page 557. The motion was **passed** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	E	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	E	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-181

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Governor's Appointments calendar of Wednesday, February 28, 2001, was laid over and placed on the Governor's Appointments consent calendar of Monday, March 5, 2001, retaining its place on the calendar.

TRIBUTES--A POINT OF INTEREST

Honoring Manual High School Choir by Senator Tate

Honoring LeAnne Smith by Senator Reeves

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, March 1, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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