

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

56th Legislative DayTuesday, February 29, 2000

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

Prayer By the chaplain, Rabbi Gorden Rubenstein, Aurora.

Roll Call Present--Total, 32.
Absent/Excused--Dennis, Lacy, Tanner--Total, 3.
Present later--Dennis, Lacy, Tanner.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Owen, reading of the Journal of Monday, February 28th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 00-196, 197, 198, 199..

MESSAGE FROM THE GOVERNOR

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

February 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:

WILDLIFE COMMISSION

effective March 1, 2000 for terms expiring March 1, 2004;

Thomas M. Burke of Grand Junction, Colorado, to serve as a representative of a wildlife organization from District 1, and as a Republican;

Olive K. Valdez of Conjeos, Colorado, to serve as a representative of the public from District 2, and as a Democrat.

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 2/17/00
P. Dicks, Secretary

Committee on Agriculture, Natural Resources and Energy

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 00-1226 by Rep. Fairbank; Sen. Hillman--Liquor Licensed Drugstore Conversion

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	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	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 PASSED.

Co-sponsors added: Blickensderfer, Chlouber.

HB 00-1091 by Rep. Taylor; Senator Wattenberg--Explosives And Boiler Inspections

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 00-1087 by Rep. Tapia; Senator Dennis--Securities Guarantee By Public Utilities

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 00-1027 by Rep. Kester; Sen. Wattenberg--Repeal Financial Inst Reporting Req

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 00-1059 by Rep. Vigil; Senator Wham--Waiver Of Delinq Interest On Prop Taxes

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.

Co-sponsors added: Sullivant, Tebedo, Teck, Weddig.

HB 00-1106 by Rep. Lawrence; Senator Arnold--Criminal Hist Records Interstate Compact

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 00-1028 by Rep. Swenson; Senator Owen--Sharing In Wrongful Death Judgment

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 00-1179 by Rep. Kester; Senator Chlouber--Regulation Of Barbers & Cosmetologists

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	N
Blickensderfer	N	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	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: Hernandez, Phillips, Rupert.

HB 00-1088 by Rep. Hagedorn; Senator Owen--Disclose Insurance Credit Scoring

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. (For further action, see page 443 where Senator Wattenberg gave notice of intent to move for reconsideration.)

Co-sponsor added: Lamborn.

HB 00-1037 by Rep. Hoppe; Senator Musgrave--Catastrophic Health Insurance Coverage

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: Lamborn, Weddig.

HB 00-1175 by Rep. Paschall; Senator Arnold--Occupational Disease Pymt Under SIF

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-sponsor added: Powers.

HCR 00-1001 by Rep. Fairbank; Senator Anderson--Allow the Appointment of County Surveyors

The question being "Shall the concurrent resolution be adopted?" the roll was called with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	N	Feeley	Y	Nichol	N	Tebedo	N
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
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	Sullivant	Y		

A constitutional two-thirds majority of all members elected to the Senate having voted in the affirmative, the concurrent resolution was declared ADOPTED.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB00-1088

HB 00-1088 by Rep. Hagedorn; Senator Owen--Disclose Insurance Credit Scoring

Having voted on the prevailing side, Senator Wattenberg gave notice of intent to move for reconsideration of HB00-1088.

Committee of the Whole

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

HB 00-1046 by Rep. Spence; Sen. Teck--The Supplemental Public Securities Act (Amended in Special Orders as printed in Senate Journal, February 25, page 422.)

Amendment No. 1, by Senator Teck

Amend reengrossed bill, page 9, strike line 3 and substitute the following:
"WAIVES ANY SUCH RECOURSE."

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

HB 00-1194 by Rep. George; Sen. Powers--Campaign Finance

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment (Printed in Senate Journal, February 16, pages 330-332.)

Amendment No. 2, by Senator Powers

Amend the State, Veterans, & Military Affairs Committee amendment, as printed in Senate Journal, February 16, page 330, strike line 51 and substitute the following:
"line 17, strike "TWO THOUSAND TWO HUNDRED FIFTY" and substitute "ONE THOUSAND FIVE HUNDRED";".

Amendment No. 3, by Senator Powers

Amend reengrossed bill, page 5, strike lines 11 through 13 and substitute the following:

"OR CONTRIBUTION IN KIND FROM AN AUTHORIZED COMMITTEE OF THE SAME CANDIDATE THAT WAS ESTABLISHED OR MAINTAINED FOR A FEDERAL ELECTION CAMPAIGN OR OFFICE."

Amendment No. 4, by Senator Powers

Amend the State, Veterans, & Military Affairs Committee amendment, as printed in Senate Journal, February 16, page 330, strike line 46 and substitute the following:

"Amend reengrossed bill, page 3, line 8, strike "CANDIDATE COMMITTEE,"; line 12, strike "SEVEN THOUSAND FIVE".

Page 331, line 6, strike "1-45-104 (13).";" and substitute "1-45-103 (13).";";

after line 10, insert the following:

"Page 7, line 9, strike "and the limits on aggregate totals of contributions" and substitute "~~and the limits on aggregate totals of contributions~~".

Amendment No. 5, by Senator Powers

Amend reengrossed bill, page 15, after line 16, insert the following:

"SECTION 6. 1-45-108 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-45-108. Disclosure. (2) (d) A CANDIDATE COMMITTEE FOR A FORMER OFFICEHOLDER OR A PERSON NOT ELECTED TO OFFICE THAT HAS NO CHANGE IN THE BALANCE OF FUNDS MAINTAINED BY SUCH COMMITTEE, RECEIVES NO CONTRIBUTIONS, MAKES NO EXPENDITURES, AND ENTERS INTO NO OBLIGATIONS DURING A REPORTING PERIOD SHALL NOT BE REQUIRED TO FILE A REPORT UNDER THIS SECTION FOR SUCH PERIOD."

Renumber succeeding sections accordingly.

Amendment No. 6, by Senator Powers

Amend the State, Veterans, & Military Affairs Committee amendment, as printed in Senate Journal, February 16, page 331, line 23, strike "FIVE" and substitute "NINE".

Amendment No. 7, by Senator Powers

Amend the State, Veterans, & Military Affairs Committee amendment, as printed in Senate Journal, February 16, page 330, strike line 55 and substitute the following:

"Page 4, line 4, strike "FIFTY THOUSAND DOLLARS PER YEAR. A POLITICAL" and substitute "TWENTY-FIVE THOUSAND DOLLARS PER YEAR.";";

after line 69 of the Committee amendment, insert the following:

"line 6, strike "FIFTY" and substitute "TWENTY-FIVE";".

Page 331 of the Committee amendment, strike lines 26 through 36 and substitute the following:

"LATER.";

strike lines 8 and 9 of the reengrossed bill and substitute the following:

"(B) ON THE FIRST MONDAY IN JULY AND ON EACH MONDAY EVERY TWO WEEKS THEREAFTER BEFORE THE PRIMARY ELECTION IF REPORTS CAN BE";

strike lines 17 and 18 and substitute the following:

"(D) ON THE FIRST MONDAY IN SEPTEMBER AND ON EACH MONDAY EVERY TWO WEEKS THEREAFTER BEFORE THE MAJOR ELECTION;"

Page 17 of the reengrossed bill, line 5, after "2000," insert "OR AS NEAR TO SUCH DATE AS IS PRACTICABLE,".

Amendment No. 8, by Senator Pascoe

Amend reengrossed bill, page 18, line 8, after "1-45-106," insert "1-45-108,".

Page 19, line 14, after "1-45-106," insert "1-45-108,".

Amendment No. 9, by Senator Lamborn

Amend reengrossed bill, page 4, line 24, strike "STATES" and substitute "STATES, FROM A FOREIGN GOVERNMENT,".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see Roll Call vote on page 446.)

The following bills on the General Orders calendar of Tuesday, February 29, were laid over until Wednesday, March 1, retaining their place on the calendar:

HB00-1036, HB00-1243, SB00-154, SB00-190, HB00-1218, HB00-1292, HB00-1266, HB00-1307, HB00-1047, HB00-1267, HB00-1286, HB00-1216, HB00-1058, HB00-1038, HB00-1190.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB 00-1194 by Rep. George; Sen. Powers--Campaign Finance

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that the following Pascoe floor amendment, made to HB00-1194, as amended, did pass:

Call of Senate.
Call Raised.

Amend the State, Veterans, and Military Affairs Committee amendment, as printed in Senate Journal, February 16, page 330, strike lines 46 through 53 and substitute the following:

"Amend reengrossed bill, page 3, line 7, strike "PERSON, CORPORATION, LABOR ORGANIZATION," and substitute "PERSON";

strike line 8;

line 9 strike "COMMITTEE";

line 12, strike "SEVEN THOUSAND FIVE HUNDRED" and substitute "Two

THOUSAND";

line 14, strike "THREE THOUSAND FIVE HUNDRED" and substitute "ONE THOUSAND";

strike lines 17 through 20 and substitute the following:

"(c) FIVE HUNDRED DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, DISTRICT ATTORNEY, STATE BOARD OF EDUCATION, OR".

Page 331 of the Journal, strike line 10 and substitute the following:

"Page 6, strike lines 1 and 2 and substitute the following:

"(7) [Formerly 1-45-104 (6)] (6) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, only natural persons, political parties, and political committees may contribute to a state candidate's candidate committee.".

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

YES	14	NO	19	EXCUSED	0	ABSENT	2
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	A	Feeley	A	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	N	Perlmutter	Y	Wattenberg	N
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	Y	Sullivant	N		

ROLL CALL VOTE ON HB00-1194

HB 00-1194 by Rep. George; Sen. Powers--Campaign Finance

Call of Senate.

Call Raised.

On the request of Senator Pascoe, the President ordered a roll call vote on HB00-1194.

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	Y
Dyer	N	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivant	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

HB00-1046, as amended, HB00-1194, as amended, declared passed on Second Reading.

HB00-1036, HB00-1243, SB00-154, SB00-190, HB00-1218, HB00-1292, HB00-1266, HB00-1307, HB00-1047, HB00-1267, HB00-1286, HB00-1216, HB00-1058, HB00-1038, HB00-1190 laid over until Wednesday, March 1, 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, February 29, was laid over until Wednesday, March 1, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services Correctly revised: HB 00-1046, 1194.

COMMITTEE OF REFERENCE REPORTS

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

WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for a term expiring December 13, 2001:

Darrell F. Dinkel of Highlands Ranch, Colorado, to serve as an employer who had demonstrated good risk management with worker's comp insurance, and as a Republican, appointed.

for a term expiring December 13, 2002:

Henry A. Hahne of Littleton, Colorado, to serve as an executive with risk management experience and as a Republican, appointed.

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1093

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be postponed indefinitely: HB00-1084

Judiciary After consideration on the merits, the committee recommends that HB00-1139 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 21, after "INCAPACITATED.", insert "A GUARDIAN OR LEGAL CUSTODIAN MAY NOT APPOINT A SURVIVING PARENT WHO HAS NO PARENTAL RIGHTS TO BE A SUCCESSOR GUARDIAN OR LEGAL CUSTODIAN.".

Page 5, line 26, strike the third "THE" and substitute "A".

Page 8, line 25, strike "SPECIAL ADVOCATE, SPECIAL REPRESENTATIVE,".

Page 9, line 24, strike "SPECIAL ADVOCATE, SPECIAL REPRESENTATIVE,".

Page 10, strike lines 2 through 5, and substitute the following:

"SECTION 8. 15-14-201, Colorado Revised Statutes, as enacted

by House Bill 00-1375, enacted at the Second Regular Session of the Sixty-second General Assembly, is amended to read:

15-14-201. Appointment and status of guardian. A person becomes a guardian of a minor by ~~parental~~ appointment BY A PARENT, GUARDIAN, OR LEGAL CUSTODIAN BY WILL OR WRITTEN INSTRUMENT or upon appointment by the court. The guardianship continues until terminated, without regard to the location of the guardian or minor ward.

SECTION 9. 15-14-202, Colorado Revised Statutes, as enacted by House Bill 00-1375, enacted at the Second Regular Session of the Sixty-second General Assembly, is amended to read:

15-14-202. Testamentary appointment of guardian - appointment by written instrument. (1) A guardian may be appointed by will or other signed writing by a parent for any minor child the parent has or may have in the future. A GUARDIAN MAY ALSO BE APPOINTED BY WILL OR OTHER SIGNED WRITING BY A GUARDIAN OR LEGAL CUSTODIAN OF A MINOR CHILD. THE OTHER SIGNED WRITING SHALL BE SIGNED BY THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND AT LEAST TWO WITNESSES AND ALL SIGNATURES SHALL BE NOTARIZED. The appointment may specify the desired limitations on the powers to be given to the guardian. The appointing parent, GUARDIAN, OR LEGAL CUSTODIAN may revoke or amend the appointment before confirmation by the court.

(2) Upon petition of an appointing parent, GUARDIAN, OR LEGAL CUSTODIAN and a finding that the appointing parent, GUARDIAN, OR LEGAL CUSTODIAN will likely become unable to care for the child within two years, and after notice as provided in section 15-14-205 (1), the court, before the appointment becomes effective, may confirm the ~~parent's~~ selection of a guardian BY A PARENT, GUARDIAN, OR LEGAL CUSTODIAN and terminate the rights of others to object. IF THE MINOR HAS ATTAINED TWELVE YEARS OF AGE, THE MINOR MUST CONSENT TO THE APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 15-14-203 (2).

(3) Subject to section 15-14-203, the appointment of a guardian becomes effective upon the ~~appointing parent's~~ death OF THE APPOINTING PARENT, GUARDIAN, OR LEGAL CUSTODIAN, an adjudication that the parent, GUARDIAN, OR LEGAL CUSTODIAN is an incapacitated person, or a written determination by a physician who has examined the parent, GUARDIAN, OR LEGAL CUSTODIAN that the parent, GUARDIAN, OR LEGAL CUSTODIAN is no longer able to care for the child, whichever occurs first.

(4) The guardian becomes eligible to act upon the filing of an acceptance of appointment, which must be filed within thirty days after the guardian's appointment becomes effective. The guardian shall:

(a) File the acceptance of appointment and a copy of the will with the court of the county in which the will was or could be probated or, in the case of another appointing instrument, file the acceptance of appointment and the appointing instrument with the court of the county in which the minor resides or is present; and

(b) Give written notice of the acceptance of appointment to the appointing parent, GUARDIAN, OR LEGAL CUSTODIAN, if living, the minor, if the minor has attained twelve years of age, and a person other than the parent, GUARDIAN, OR LEGAL CUSTODIAN having care and custody of the minor.

(5) Unless the appointment was previously confirmed by the court, the notice given under paragraph (b) of subsection (4) of this section must include a statement of the right of those notified to terminate the appointment by filing a written objection in the court as provided in section 15-14-203 (1) AND OF THE RIGHT OF A MINOR WHO HAS ATTAINED TWELVE YEARS OF AGE TO REFUSE TO CONSENT TO THE APPOINTMENT OF THE GUARDIAN AS PROVIDED IN SECTION 15-14-203 (2).

(6) Unless the appointment was previously confirmed by the court, within thirty days after filing the notice and the appointing instrument, a guardian shall petition the court for confirmation of the appointment, giving notice in the manner provided in section 15-14-205 (1).

(7) The appointment of a guardian by a parent does not supersede the parental rights of either parent. If both parents are dead or have been adjudged incapacitated persons, an appointment by the last parent who died or was adjudged incapacitated has priority. IF A GUARDIAN OR LEGAL CUSTODIAN SURVIVES THE DEATH OR ADJUDICATION OF INCAPACITY OF BOTH PARENTS, AN APPOINTMENT BY THE LAST PARENT, GUARDIAN, OR LEGAL CUSTODIAN WHO DIED OR WAS ADJUDGED INCAPACITATED HAS PRIORITY. An appointment by a parent, GUARDIAN, OR LEGAL CUSTODIAN which is effected by filing the guardian's acceptance under a will probated in the state of the testator's domicile is effective in this state.

(8) The powers of a guardian who complies timely with the requirements of subsections (4) and (6) of this section relate back to give acts by the guardian which are of benefit to the minor and occurred on or after the date the appointment became effective the same effect as those that occurred after the filing of the acceptance of the appointment.

(9) The authority of a guardian appointed under this section terminates upon the first to occur of the appointment of a guardian by the court or the giving of written notice to the guardian of the filing of an objection pursuant to section 15-14-203 (1) OR OF THE REFUSAL OF A MINOR CHILD WHO HAS ATTAINED THE AGE OF TWELVE YEARS TO CONSENT PURSUANT TO SECTION 15-14-203 (2).

SECTION 10. 15-14-203, Colorado Revised Statutes, as enacted by House Bill 00-1375, enacted at the Second Regular Session of the Sixty-Second General Assembly, is amended to read:

15-14-203. Objection of others to parental appointment - consent by minor of twelve years of age or older to appointment of guardian. (1) Until the court has confirmed an appointee under section 15-14-202, ~~a minor who is the subject of an appointment by a parent and who has attained twelve years of age,~~ the other parent, or a person other than a parent or guardian having care or custody of the minor may prevent or terminate the appointment at any time by filing a written objection in the court in which the appointing instrument is filed and giving notice of the objection to the guardian and any other persons entitled to notice of the acceptance of the appointment. An objection may be withdrawn, and if withdrawn is of no effect. The objection does not preclude judicial appointment of the person selected by the parent, GUARDIAN, OR LEGAL CUSTODIAN. The court may treat the filing of an objection OR THE REFUSAL OF THE MINOR TO CONSENT as a petition for the appointment of an emergency or a temporary guardian under section 15-14-204, and proceed accordingly.

(2) UNTIL THE COURT HAS CONFIRMED AN APPOINTEE UNDER SECTION 15-14-202, A MINOR WHO IS THE SUBJECT OF AN APPOINTMENT BY A PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND WHO HAS ATTAINED TWELVE YEARS OF AGE HAS THE RIGHT TO CONSENT OR REFUSE TO CONSENT TO AN APPOINTMENT OF A GUARDIAN. IF THE MINOR CONSENTS TO THE APPOINTMENT OF THE GUARDIAN, THE MINOR SHALL FILE WITH THE COURT IN WHICH THE WILL IS PROBATED OR THE WRITTEN INSTRUMENT IS FILED A WRITTEN CONSENT TO THE APPOINTMENT BEFORE IT IS ACCEPTED OR WITHIN THIRTY DAYS AFTER NOTICE OF ITS ACCEPTANCE. IF THE MINOR DOES NOT CONSENT TO THE APPOINTMENT OF A GUARDIAN, THEN THE COURT SHALL APPOINT A GUARDIAN PURSUANT TO SECTION 15-14-204.

SECTION 11. 15-14-204, Colorado Revised Statutes, as enacted by House Bill 00-1375, enacted at the Second Regular Session of the Sixty-second General Assembly, is amended to read:

15-14-204. Judicial appointment of guardian - conditions for appointment. (1) A minor or a person interested in the welfare of a minor may petition for appointment of a guardian.

(2) The court may appoint a guardian for a minor if the court finds the appointment is in the minor's best interest, and:

- (a) The parents consent;
- (b) All parental rights have been terminated; or

(c) The parents are unwilling or unable to exercise their parental rights; OR

(d) GUARDIANSHIP OR LEGAL CUSTODY OF A CHILD HAS PREVIOUSLY BEEN GRANTED TO A THIRD PARTY AND THE THIRD PARTY HAS SUBSEQUENTLY DIED OR BECOME INCAPACITATED AND THE GUARDIAN OR LEGAL CUSTODIAN HAS NOT MADE AN APPOINTMENT OF A GUARDIAN EITHER BY WILL OR WRITTEN INSTRUMENT; HOWEVER THE COURT SHALL NOT PRESUME IT IS IN THE BEST INTERESTS OF A CHILD TO BE IN THE CARE OF A PARENT IN CIRCUMSTANCES WHERE A COURT HAS PREVIOUSLY GRANTED CUSTODY OF A CHILD TO A THIRD PARTY.

(3) If a guardian is appointed by a parent, GUARDIAN, OR LEGAL CUSTODIAN pursuant to section 15-14-202 and the appointment has not been prevented or terminated under section 15-14-203 (1) OR THE MINOR HAS CONSENTED TO THE APPOINTMENT PURSUANT TO SECTION 15-14-203 (2), that appointee has priority for appointment. However, the court may proceed with another appointment upon a finding that the appointee under section 15-14-202 has failed to accept the appointment within thirty days after notice of the guardianship proceeding.

(4) If necessary and on petition or motion and whether or not the conditions of subsection (2) have been established, the court may appoint a temporary guardian for a minor upon a showing that an immediate need exists and that the appointment would be in the best interest of the minor. Notice in the manner provided in section 15-14-113 must be given to the parents and to a minor who has attained twelve years of age. Except as otherwise ordered by the court, the temporary guardian has the authority of an unlimited guardian, but the duration of the temporary guardianship may not exceed six months. Within five days after the appointment, the temporary guardian shall send or deliver a copy of the order to all individuals who would be entitled to notice of hearing under section 15-14-205.

(5) If the court finds that following the procedures of this part 2 will likely result in substantial harm to a minor's health or safety and that no other person appears to have authority to act in the circumstances, the court, on appropriate petition, may appoint an emergency guardian for the minor. The duration of the emergency guardian's authority may not exceed thirty days and the emergency guardian may exercise only the powers specified in the order. Reasonable notice of the time and place of a hearing on the petition for appointment of an emergency guardian must be given to the minor, if the minor has attained twelve years of age, to each living parent of the minor, and a person having care or custody of the minor, if other than a parent. The court may dispense with the notice if it finds from affidavit or testimony that the minor will be substantially harmed before a hearing can be held on the petition. If the emergency guardian is appointed without notice, notice of the appointment must be given within forty-eight hours after the appointment and a hearing on the appropriateness of the appointment held within five days after the appointment.

SECTION 12. 15-14-205 (1), Colorado Revised Statutes, as enacted by House Bill 00-1375, enacted at the Second Regular Session of the Sixty-second General Assembly, is amended to read:

15-14-205. Judicial appointment of guardian - procedure.

(1) After a petition for appointment of a guardian is filed, the court shall schedule a hearing, and the petitioner shall give notice of the time and place of the hearing, together with a copy of the petition, to:

(a) The minor, if the minor has attained twelve years of age and is not the petitioner;

(b) Any person alleged to have had the primary care and custody of the minor during the sixty days before the filing of the petition;

(c) Each living parent of the minor or, if there is none, the adult nearest in kinship that can be found;

(d) Any person nominated as guardian by the minor if the minor has attained twelve years of age;

(e) Any appointee of a parent, GUARDIAN, OR LEGAL CUSTODIAN whose appointment has not been prevented or terminated under section 15-14-203 (1) OR WHOSE APPOINTMENT WAS CONSENTED TO UNDER SECTION 15-14-203 (2); and

(f) Any guardian or conservator currently acting for the minor in this state or elsewhere.

SECTION 13. Effective date - applicability. (1) This section, sections 1 to 7, and section 14 of this act shall take effect July 1, 2000, and shall apply to appointments of guardians or conservators made on or after said date.

(2) Sections 8 to 12 of this act shall take effect January 1, 2001, and shall apply to appointments of guardians or conservators made on or after said date; except that sections 8 to 12 of this act shall only take effect if House Bill 00-1375 becomes law."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the committee recommends that HB00-1108 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, line 19, after the period, add "PLACEMENT OF A CHILD INTO FOSTER CARE SHALL NOT BE DELAYED SOLELY ON THE BASIS OF A LACK OF AN APPROPRIATE HOME THAT IS WILLING AND ABLE TO ACCEPT THE ENTIRE SIBLING GROUP."

Page 5, strike lines 23 through 26 and substitute the following:

"SIBLING GROUP. UPON MOTION OF AN INTERESTED PARTY, IF THE COURT MAKES A FINDING THAT THE COUNTY DEPARTMENT FAILED TO MAKE THOROUGH EFFORTS TO LOCATE A JOINT PLACEMENT FOR THE CHILDREN IN THE SIBLING GROUP, THE COURT MAY AWARD COURT COSTS AND ATTORNEY FEES INCURRED BY THE INTERESTED PARTY AGAINST THE COUNTY DEPARTMENT."

Page 6, strike lines 1 through 22.

Page 9, line 7, after the period, add "PLACEMENT OF A CHILD INTO ADOPTION SHALL NOT BE DELAYED SOLELY ON THE BASIS OF A LACK OF AN APPROPRIATE HOME THAT IS WILLING AND ABLE TO ACCEPT THE ENTIRE SIBLING GROUP.";

strike lines 25 and 26 and substitute the following:

"AVAILABLE FOR ADOPTION. UPON MOTION OF AN INTERESTED PARTY, IF THE COURT MAKES A FINDING THAT THE COUNTY DEPARTMENT FAILED TO MAKE THOROUGH EFFORTS TO LOCATE A JOINT PLACEMENT FOR THE CHILDREN IN THE SIBLING GROUP, THE COURT MAY AWARD COURT COSTS AND ATTORNEY FEES INCURRED BY THE INTERESTED PARTY AGAINST THE COUNTY DEPARTMENT."

Page 10, strike lines 1 through 14.

Page 11, strike lines 3 through 11 and substitute the following:

"THE BEST INTERESTS OF EACH CHILD. IF THE CHILD PLACEMENT AGENCY HAS CUSTODY OF THE CHILD, THE CHILD PLACEMENT AGENCY SHALL PROVIDE THE COURT WITH DOCUMENTATION OF THE EFFORTS MADE TO LOCATE A JOINT PLACEMENT FOR THE SIBLINGS. IF THE CHILD PLACEMENT AGENCY DETERMINES THAT IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE PLACED WITH HIS OR HER SIBLINGS IN AN ADOPTIVE PLACEMENT, THE CHILD PLACEMENT AGENCY SHALL IDENTIFY THE REASONS WHY THE SIBLINGS SHOULD BE PLACED APART. IF THE CHILD PLACEMENT AGENCY DETERMINES THAT THE CHILD IS AT RISK OF PHYSICAL, MENTAL, OR

EMOTIONAL HARM IF PLACED WITH HIS OR HER SIBLINGS, THE CHILD
PLACEMENT AGENCY SHALL DOCUMENT FOR THE COURT THE SPECIFIC RISK
AND THE BASIS FOR ASSESSING SUCH RISK."

Judiciary

After consideration on the merits, the committee recommends that HB00-1138 be
amended as follows and, as so amended, be referred to the Committee of the Whole with
favorable recommendation:

Amend reengrossed bill, page 1, line 6, strike "(1) A FOSTER CARE
PROVIDER SHALL BE IMMUNE";

strike lines 7 through 9.

Page 2, strike lines 1 through 3;

strike line 4 and substitute "(1) IF A PLAINTIFF BRINGING A CIVIL LIABILITY
ACTION";

strike line 5 and substitute "ON THE BEHALF OF A FOSTER CHILD IS A
BIOLOGICAL OR ADOPTIVE PARENT OR OTHER RELATIVE OF A FOSTER";

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

strike lines 9 through 18 and substitute the following:

"ACTION SHALL BE DEPOSITED AND SHALL BE SUBJECT TO THE
JURISDICTION AND OVERSIGHT OF THE COURT HAVING PROBATE
JURISDICTION.";

line 19, strike "(3)" and substitute "(2)".

MESSAGE FROM THE HOUSE

February 29, 2000

Mr. President:

The House has passed on Third Reading and returns herewith SB00-002,043.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
HB00-1422, amended as printed in House Journal, February 28, page 782.
SB00-051, amended as printed in House Journal, February 28, page 783,
and on Third Reading as printed in House Journal, February 29, page 793.
SB00-077, amended as printed in House Journal, February 28, page 783.
SB00-129, amended as printed in House Journal, February 28, page 783.

MESSAGE FROM THE REVISOR

February 29, 2000

We herewith transmit:

without comment, as amended, HB00-1422, and;
without comment, as amended, SB00-051, 077 and 129.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: **HB00-1396, 1397, 1398, 1399, 1400, 1401, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1415.**

On motion of Senator Dennis, the Senate adjourned until 9:00 a.m., Wednesday, March 1, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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