

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

Thirty-eighth Legislative Day Friday, February 16, 2001

- Prayer By the chaplain, Father Michael Sheeran, President, Regis University.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--Total, 34.
Absent/Excused--Anderson--Total 1.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Thursday, February 15, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

- Government, Veterans and Military Relations, and Transportation
 - After consideration on the merits, the committee recommends that **SB01-156** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.
 - Amend printed bill, page 2, strike lines 2 through 19 and substitute the following:
 - "**SECTION 1.** 12-47-402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:
 - 12-47-402. Manufacturer's license.** (6) (a) ANY MANUFACTURER OF SPIRITUOUS LIQUORS THAT HAS";
 - strike line 21 and substitute the following:
 - "CONDUCT TASTINGS AND SELL TO CUSTOMERS SPIRITUOUS LIQUORS OF ITS".
 - Page 3, line 1, strike "FOR CONSUMPTION";
 - line 2, strike "COST OR" and substitute "COST.";
 - strike line 3;
 - line 4 strike "CONSUMPTION.";
 - strike lines 7 through 13 and substitute the following:
 - "(b) ANY MANUFACTURER OF SPIRITUOUS LIQUORS THAT HAS RECEIVED A LICENSE PURSUANT TO THIS SECTION IS AUTHORIZED TO SERVE AND SELL FOOD, GENERAL MERCHANDISE, AND NONALCOHOL BEVERAGES FOR CONSUMPTION ON THE PREMISES OR TO BE TAKEN OFF THE PREMISES BY THE CONSUMER.
 - (c) PRIOR TO OPERATING AN ADDITIONAL SALES ROOM LOCATION, A MANUFACTURER OF SPIRITUOUS LIQUORS THAT HAS RECEIVED A LICENSE PURSUANT TO THIS SECTION SHALL FILE A SUPPLEMENTAL APPLICATION WITH THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH SUCH SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE PROPOSED SALES ROOM LOCATION LICENSE BE DENIED IF IT DETERMINES THAT ISSUANCE OF THE PROPOSED SALES ROOM LICENSE WOULD BE IN CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE SURROUNDING AREA AND THE REASONABLE DESIRES OF THE

SB01-156

JURISDICTION'S ADULT RESIDENTS AS EVIDENCED BY PETITIONS,
REMONSTRANCES, OR OTHERWISE.

(d) THE STATE LICENSING AGENCY SHALL NOT GRANT A LICENSE
FOR AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT HAS PROVIDED
EVIDENCE THAT THE APPLICANT HAS COMPLIED WITH LOCAL ZONING
RESTRICTIONS AND THE PROVISIONS OF SECTION 12-47-301 (2) (a).".

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-038** be amended
as follows and, as so amended be referred to the Committee of the Whole with favorable
recommendation.

Amend printed bill, page 2, line 12, strike "BENEFITS";

line 13, strike "FROM" and substitute "IS ADJACENT TO".

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-178** be amended
as follows and, as so amended be referred to the Committee of the Whole with favorable
recommendation.

Amend printed bill, page 4, after line 10, insert the following:

"**SECTION 3.** 1-5-304, Colorado Revised Statutes, is amended
to read:

1-5-304. Lists of property owners. (1) For elections where
owning property in the political subdivision is a requirement for voting
in the election, no later than the ~~fortieth~~ SIXTIETH day preceding the date
of the election, the designated election official, in addition to using the
affidavit prescribed in section 32-1-806, C.R.S., shall order the list of
property owners from the county assessor. Except as otherwise required
under subsection (2) of this section, the county assessor shall certify and
deliver an initial list of all recorded owners of taxable real and personal
property within the political subdivision no later than ~~thirty~~ FORTY-FIVE
days before the election. The supplemental list for the political
subdivision shall be provided no later than twenty days before the
election and shall contain the names and addresses of all recorded owners
who have become owners no later than thirty days prior to the election
and after the initial list of property owners was provided. The cost for the
lists shall be assessed by the county assessors and paid by the political
subdivision holding the election. The fee for furnishing the lists shall be
no less than twenty-five dollars for both lists nor more than one cent for
each name contained on the lists, whichever is greater.

(2) The designated election official of a special district may order
the list described in subsection (1) of this section of all recorded owners
of taxable real and personal property within the special district ~~as of the~~
~~thirtieth~~ TO BE PROVIDED NO LATER THAN THE FORTY-FIFTH day before the
election with a supplementary list to be provided on the twentieth day
before the election, or the designated election official may order a
complete list ~~as of~~ TO BE PROVIDED ON the twentieth day before the
election.

SECTION 4. 1-7.5-107 (2) (a), Colorado Revised Statutes, is
amended to read:

1-7.5-107. Procedures for conducting mail ballot election.
(2) (a) Except for coordinated elections conducted as a mail ballot
election where the county clerk and recorder is the coordinated election
official, no later than ~~thirty~~ FORTY-FIVE days prior to election day, the
county clerk and recorder shall submit to the designated election official
of the political subdivision conducting the mail ballot election a full and
complete preliminary list of registered electors. For special district mail
ballot elections, the county clerk and recorder and county assessor of
each county in which a special district is located shall certify and submit

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to the designated election official a list of property owners and a list of registered electors residing within the affected district."

Renumber succeeding sections accordingly.

Page 4, strike line 27 and substitute the following:

"purpose".

Page 5, line 1, strike "AND" and strike "C.R.S." and substitute "C.R.S., AND PART 8 OF ARTICLE 1 OF THIS TITLE. ANY ORDER DIRECTING THE COUNTY CLERK AND RECORDER TO HOLD THE ELECTION AS PART OF A COORDINATED ELECTION IN NOVEMBER MUST BE DULY ENTERED OF RECORD AND DELIVERED TO THE COUNTY CLERK AND RECORDER NOT LESS THAN SIXTY DAYS BEFORE THE ELECTION."

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-142** be referred favorably to the Committee on Appropriations.

Committee
of the
Whole

On motion of Senator Hagedorn, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Hagedorn was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-079** was advanced on the General Orders calendar.

SB01-079

by Senators Windels and Phillips; also Representative Alexander--Concerning grandparent visitation time with grandchildren.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 1, 2001, page 161.)

Amendment No. 2, Senator Windels.

Amend printed bill, page 4, line 8, after "RELATIONSHIP", insert "FOR THE CHILD";

line 24, strike "DENVER." and substitute "DENVER, IF APPROPRIATE."

Page 5, line 6, strike "DENVER." and substitute "DENVER, IF APPROPRIATE.";

strike lines 7 through 27 and substitute the following:

"(2.5) (a) WHEN A GRANDPARENT PETITIONS THE COURT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE PETITIONING GRANDPARENT shall give notice, together with a copy of his or her MOTIONS AND affidavit, to the party who has legal custody of the child or to the party with ~~parental~~ DECISION-MAKING responsibilities as determined by a court pursuant to article 10 of title 14, C.R.S. The party with legal custody or ~~parental~~ DECISION-MAKING responsibilities as determined by a court pursuant to article 10 of title 14, C.R.S., may file opposing affidavits. If neither party requests a hearing, the court shall enter an order granting grandchild visitation ~~rights~~ TIME to the petitioning grandparent only upon a finding that the visitation is in the best interests of the child. A hearing shall be held if either party so requests or if it appears to the court that it is in the best interests of the child that a hearing be held. At the hearing, parties submitting affidavits shall be allowed an opportunity to be heard. If, at the conclusion of the hearing,

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the court finds it is in the best interests of the child to grant grandchild visitation ~~rights~~ TIME to the petitioning grandparent, the court shall enter an order granting such ~~rights~~ TIME.

(b) WHEN A GRANDPARENT PETITIONS THE COURT PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, THE PETITIONING GRANDPARENT SHALL GIVE NOTICE, TOGETHER WITH A COPY OF HIS OR HER MOTIONS AND AFFIDAVIT, TO THE PARTY WHO HAS LEGAL CUSTODY OF THE CHILD OR TO THE PARTY WITH DECISION-MAKING RESPONSIBILITIES AS DETERMINED BY A COURT PURSUANT TO ARTICLE 10 OF TITLE 14, C.R.S. THE PARTY WITH LEGAL CUSTODY OR DECISION-MAKING RESPONSIBILITIES AS DETERMINED BY A COURT PURSUANT TO ARTICLE 10 OF TITLE 14, C.R.S., MAY FILE OPPOSING AFFIDAVITS. IF NEITHER PARTY REQUESTS A HEARING, THE COURT MAY, BASED UPON THE PLEADINGS AND AFFIDAVITS, ENTER AN ORDER GRANTING GRANDCHILD VISITATION TIME TO THE PETITIONING GRANDPARENT ONLY UPON 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. HOWEVER, A HEARING SHALL BE HELD, WHEN THE COURT IS UNABLE TO DETERMINE WHETHER A GRANDPARENT HAS STANDING PURSUANT TO SUBSECTION (1.5) OF THIS SECTION WITHOUT A HEARING, IF EITHER PARTY SO REQUESTS, OR IF IT APPEARS TO THE COURT THAT A HEARING WOULD BE IN THE BEST INTERESTS OF THE CHILD; EXCEPT THAT, WHEN A PARTY REQUESTS A HEARING, THE COURT MAY ORDER MEDIATION PURSUANT TO SECTION 13-22-311, C.R.S., PRIOR TO HOLDING A HEARING ON THE MATTER. AT THE HEARING, PARTIES SUBMITTING AFFIDAVITS SHALL BE ALLOWED AN OPPORTUNITY TO BE HEARD. IF, AT THE CONCLUSION OF THE HEARING, THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE, THAT IT IS IN THE BEST INTERESTS OF THE CHILD TO GRANT GRANDCHILD VISITATION TIME TO THE PETITIONING GRANDPARENT, 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 COURT MAY ENTER AN ORDER GRANTING SUCH TIME."

Page 6, strike lines 1 through 5;
line 18, after "THE", insert "APPROPRIATE".

As amended, declared **lost** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole).

SB01-034 by Senator Owen; also Representative Williams T.--Concerning the regulation of insurance producers by the division of insurance.

Laid over until Monday, February 19, 2001, retaining its place on the calendar.

SB01-159 by Senators Pascoe, Hernandez, Tate and Tupa; also Representative Grossman--Concerning probate procedures involving committed partners.

Laid over until Monday, February 19, 2001, retaining its place on the calendar.

SB01-136 by Senator Gordon--Concerning campaign finance.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 6, 2001, page 193.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole).

SB01-001 by Senator Hernandez--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.

Laid over until Monday, February 19, 2001, retaining its place on the calendar.

SB01-092	by Senators Anderson and Gordon; also Representative Decker--Concerning the fair campaign practices act.	1
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	Laid over until Monday, February 19, 2001, retaining its place on the calendar.	4
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SB01-051	by Senator Tupa; also Representative Grossman--Concerning presidential electors, and, in connection therewith, specifying the selection and voting requirements of presidential electors in the state.	6
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	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	10
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SB01-165	by Senator Windels--Concerning timing issues for charter schools.	12
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	Laid over until Monday, February 19, 2001, retaining its place on the calendar.	14
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SB01-123	by Senators Anderson, Lamborn, Linkhart, Reeves, Taylor and Windels; also Representatives Young and Miller--Concerning the required expenditure of a portion of a school district's per pupil operating revenue for the school district's preschool program.	16
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	Laid over until Monday, February 19, 2001, retaining its place on the calendar.	20
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SB01-125	by Senator Owen; also Representative Berry--Concerning regulation of foreign capital depositories under the "Colorado Foreign Capital Depository Act".	22
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	<u>Amendment No. 1, Business, Labor and Finance Committee Amendment.</u>	25
	(Printed in Senate Journal, February 8, 2001, page 218-221.)	26
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	28
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SB01-088	by Senators Tupa, Linkhart, Arnold, Hernandez and Nichol; also Representatives Mitchell, Alexander, Hefley and Lee--Concerning criminal history record checks on behalf of entities engaged in care for vulnerable persons.	31
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	<u>Amendment No. 1, Health, Environment, Children and Families Committee Amendment.</u>	35
	(Printed in Senate Journal, February 8, 2001, page 223.)	36
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	38
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SB01-128	by Senator Takis; also Representative Clapp--Concerning the licensure of physician assistants.	41
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	<u>Amendment No. 1, Health, Environment, Children and Families Committee Amendment.</u>	44
	(Printed in Senate Journal, February 8, 2001, page 223.)	45
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	47
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	On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading calendar	50
	(SB01-104, SB01-114, SB01-013, SB01-109, SB01-043, SB01-059, SB01-074, SB01-086, SB01-115, SB01-132, SB01-135, SB01-172, SB01-031, SB01-160) of Friday,	51
	February 16, 2001, was laid over until Monday, February 19, 2001, retaining its place on the calendar.	52
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB01-079	by Senators Windels and Phillips; also Representative Alexander--Concerning grandparent visitation time with grandchildren.	60
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	Senator Windels moved to amend the Report of the Committee of the Whole to show that SB01-079 as amended, was not lost and was laid over to Monday, February 19, 2001.	63
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	The amendment was declared adopted by viva voce vote.	66
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SB01-136	by Senator Gordon--Concerning campaign finance.	68
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	Senators Gordon and Dyer (Arapahoe) moved to amend the Report of the Committee of the Whole to show that the following floor amendment, to SB01-136 did pass, and that SB01-136 , as amended, did pass.	70
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The amendment was declared **adopted** by viva voce vote.

Laid Over until Monday, February 19: **SB01-079** as amended, **SB01-034**, **SB01-159**, **SB01-001**, **SB01-092**, **SB01-165**, **SB01-123**, **SB01-104**, **SB01-114**, **SB01-013**, **SB01-109**, **SB01-043**, **SB01-059**, **SB01-074**, **SB01-086**, **SB01-115**, **SB01-132**, **SB01-135**, **SB01-172**, **SB01-031**, **SB01-160**.

Honoring Theresa McCain by Senator Arnold

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, February 19, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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