

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

Sixty-second Legislative Day

Monday, March 12, 2001

Prayer By the chaplain, Pastor Shirley Riggs, United Methodist Church.

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Friday, March 9, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-207.

Correctly enrolled: SJR01-001, 002, 003, 006, 007, 008, SR01- 001, 002, 003, 004, 005, 006, 007, 008.

Correctly reengrossed: SB01-129, 021.

Correctly engrossed: SB01-035, 073.

Correctly revised: HB01-1265, 1023, 1095, 1056, 1128, 1073.

MESSAGE FROM THE HOUSE

March 9, 2001

Mr. President:

The House has voted not to concur in Senate amendments to HB01-1040, and requests that a conference committee be appointed. The Speaker has appointed Representatives Young, chairman, and Mitchell, and Miller as House conferees on the First Conference Committee on HB01-1040

The House has voted to concur in the Senate amendments to HB01-1061 and has repassed the bill as so amended.

INTRODUCTION OF BILLS--FIRST READING

The following bill was read by title and referred to the committee indicated:

HB01-1153 by Representatives Williams T., Kester, Spradley, White, Clapp, Coleman, Fairbank, Fritz, Jahn, Lee, Miller, Paschall, Rhodes, Stengel and Tochtrop; also Senators Phillips, Fitz-Gerald, Takis, McElhany and Taylor--Concerning the authority of interior designers that meet certain qualifications to prepare interior design documents for filing for purposes of obtaining building permits.
Health, Environment, Children & Families

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR01-019 by Senator Andrews; also Representative Spradley--Concerning commendation of the Boy Scouts of America.

Laid over one day under Senate Rule 30(b).

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THIRD READING--FINAL PASSAGE OF BILLS

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

SB01-035

by Senator Anderson; also Representative Swenson--Concerning the taxable value of certain types of personal property, and, in connection therewith, changing the taxable value of Class A and B personal property that has a gross vehicle weight of less than or equal to sixteen thousand pounds from actual purchase price to seventy-five percent of the manufacturer's suggested retail price.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	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-sponsors added: Dyer (Arapahoe), Dyer (Durango), Lamborn, Taylor.

SB01-073

by Senator Anderson; also Representative Mitchell--Concerning the sale of tobacco to minors, and making an appropriation in connection therewith.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	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-sponsors added: Gordon, Hanna, Hernandez, Linkhart, Pascoe, Tupa, Windels.

HB01-1265

by Representatives Bacon, Alexander, Larson, Stafford, Williams S. and Witwer; also Senators Linkhart and Hagedorn--Concerning family resource center programs in local communities.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	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**.

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HB01-1265 Co-sponsors added: Hanna, Hernandez, Nichol, Pascoe, Reeves, Takis, Tate, Tupa, Windels.

HB01-1023 by Representatives Tochtrop and Coleman; also Senator Anderson--Concerning the establishment of a reduced-rate nursing license for retired volunteer nurses.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	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-sponsors added: Dyer (Arapahoe), Epps, Fitz-Gerald, Hanna, Nichol, Pascoe, Takis, Taylor, Windels.

HB01-1095 by Representative Stengel; also Senator Hillman--Concerning selection of depositories for state moneys by the state treasurer.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	N	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	N
Epps	Y	Linkhart	N	Reeves	Y		

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

HB01-1056 by Representative Tapia; also Senator Dennis--Concerning construction contracts for public projects.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	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**.

HB01-1128 by Representative Fairbank; also Senator Tate--Concerning the use of means of payment other than petty cash to pay liabilities incurred on behalf of the state without previously filed commitment vouchers.

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

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HB01-1128

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	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**.

HB01-1073

by Representative Veiga; also Senator Tupa--Concerning an increase in compensation for members of the board of directors of the regional transportation district to twelve thousand dollars per annum.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	N	Nichol	Y	Teck	Y
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	N	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-sponsors added: Hanna, Pascoe, Tate.

Committee of the Whole

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

**GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

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:

HB01-1251

by Representative Hodge; also Senator McElhany--Concerning replacement of the standard industrial classification coding system with the North American industry classification coding system.

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

HB01-1304

by Representative Cadman; also Senator Takis--Concerning the statute of limitations relating to claims for refund or credit of income tax.

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

HB01-1335

by Representatives Snook and Williams T.; also Senator Dennis--Concerning the liabilities of insurers in the context of insolvency proceedings.

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

HB01-1228

by Representative Kester; also Senator Fitz-Gerald--Concerning the expulsion of credit union members for cause.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, March 6, 2001, Page 480.)

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

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HB01-1215 by Representative White; also Senator Anderson--Concerning a limitation on information in school reports concerning the percentage of teachers teaching in a subject in which the teacher received a degree.

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

HB01-1222 by Representatives Hefley, King and Spence; also Senator Anderson--Concerning the replacement of information on student drop out rates with information on school attendance rates in reports for elementary schools.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Gordon, 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:

Passed on Second Reading: **HB01-1251, HB01-1304, HB01-1335, HB01-1228** as amended, **HB01-1215, HB01-1222.**

Committee of the Whole On motion of Senator Gordon, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Gordon 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:

HB01-1030 by Representatives Young and Miller; also Senators Reeves, Anderson, Linkhart, Taylor, and Windels--Concerning periodic adjustment of the annual salaries of the commissioners of the public utilities commission based on an objective standard.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.

(Printed in Senate Journal, March 5, 2001, page 476.)

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

HB01-1124 by Representatives Swenson and Lee; also Senator Nichol--Concerning limitations on the authority to issue special license plates.

Laid over until Tuesday, March 13, 2001, retaining its place on the calendar.

HB01-1034 by Representative White; also Senator Hagedorn--Concerning amendments to the "Colorado Auto Accident Reparations Act", and, in connection therewith, Consolidating the definition of a resident relative and clarifying the types of insurance policies.

Amendment No. 1, Business, Labor and Finance Committee Amendment.

(Printed in Senate Journal, March 6, 2001, page 487-488.)

Amendment No. 2(L.012), by Senator Hagedorn.

Amend the Business, Labor, and Finance committee amendment, as printed in the Senate Journal, March 6, page 487, strike lines 59 through 72.

Page 488, strike lines 1 through 26 and substitute the following:

"10-4-708.5. Timely notification of insurer. When an insured entitled to benefits under a complying policy is injured or believes he OR SHE has been injured in an accident INVOLVING A MOTOR VEHICLE and is examined or treated by a physician or health care practitioner OR RECEIVES SERVICES IN A HOSPITAL, such physician or health care practitioner shall notify the insurer within ~~thirty~~ FORTY-FIVE calendar days after the insured's initial visit. The notice shall include, either through a billing statement for the procedure or treatment provided up to

HB01-1034

the date of the notice or by a separate statement, the name and address of the treating health professional OR HOSPITAL, the evaluation or diagnosis, and the medical procedure performed or the medical treatment provided. The insurer shall notify the treating health professional OR HOSPITAL if the insurer is not the reparation obligor. If the treating health professional OR HOSPITAL does not submit the required notice within the specified time, ~~neither the insurer nor the injured person shall be responsible for the expense incurred for the medical procedure or treatment rendered prior to the late notification, unless the late notification is the result of excusable neglect~~ A PENALTY IN AN AMOUNT EQUAL TO A REDUCTION OF TEN PERCENT OF THE TOTAL AMOUNT ULTIMATELY ALLOWED ON THE CLAIM PER FULL THIRTY-DAY PERIOD THE NOTICE IS DELAYED MAY BE ASSESSED AGAINST THE TREATING HEALTH PROVIDER OR HOSPITAL AND ANY APPLICABLE PENALTIES MAY NOT BE BILLED TO THE INSURED ENTITLED TO BENEFITS UNDER A COMPLYING POLICY."."

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

HB01-1187

by Representative Hefley; also Senator Linkhart--Concerning procedural changes for the strengthening of criminal laws.

Laid over until Tuesday, March 13, 2001, retaining its place on the calendar.

HB01-1210

by Representative Sinclair; also Senator Arnold--Concerning the authorization of electronic hearings in situations where citations for certain driving offenses may cause individuals to lose their driver's licenses.

As amended, laid over until Friday, March 16, 2001, retaining its place on the calendar.

HB01-1076

by Representative Marshall; also Senator Hernandez--Concerning the requirement that applicants for a license to practice podiatry complete an approved residency.

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

HB01-1152

by Representative Vigil; also Senator Hagedorn--Concerning alternatives to nursing facility care, and, in connection therewith, encouraging relative personal care.

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

HB01-1211

by Representative Johnson; also Senator Matsunaka--Concerning the modification of land use requirements for cluster developments.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Gordon, 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:

Passed on Second Reading: **HB01-1030** as amended, **HB01-1034** as amended, **HB01-1076**, **HB01-1152**, **HB01-1211**.

Laid over until Tuesday, March 13, 2001: **HB01-1124**, **HB01-1187**.

Laid over until Friday, March 16, 2001: **HB01-1210**.

CONSIDERATION OF RESOLUTIONS

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of **HJR01-1010**.

HJR01-1010

by Representative Dean; also Senator Andrews--Concerning recognition of President Ronald Reagan.

On motion of Senator Andrews, the resolution was read at length.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 7, 2001, page 498.)

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HJR01-1010 On motion of Senator Andrews, the amendment was **adopted**, and the resolution, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	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		

Co-sponsors added: Anderson, Arnold, Cairns, Chlouber, Dennis, Dyer (Arapahoe), Dyer (Durango), Epps, Evans, Gordon, Hillman, Lamborn, May, McElhany, Musgrave, Owen, Taylor, Teck.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1009, 1010, 1115, 1209, 1230.**

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 12, 2001, was laid over until Tuesday, March 13, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-012, HJR01-1014, SJR01-013.**

Consideration of House Amendments to Senate Bills: **SB01-015, SB01-090.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Appropriations

After consideration on the merits, the committee recommends that **SB01-148** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 304, strike line 36 and substitute the following:

"line 19, strike "134, IN" and substitute "134, AND IN";";

strike line 38;

after line 51, insert the following:

"line 4, after "DEPARTMENT.", add "FOR PURPOSES OF THIS SUBSECTION (2), THE POPULATION OF A PLANNING JURISDICTION THAT IS A COUNTY SHALL CONSIST OF THE POPULATION THAT RESIDES ONLY IN THE UNINCORPORATED AREAS OF THE COUNTY.";"

Page 305, after line 25, insert the following:

"strike lines 26 and 27 and substitute the following:

"(2) EXCEPT FOR AN AMENDMENT TO THE REGIONAL PLAN MADE AS PART OF THE PERIODIC REVIEW REQUIRED BY SUBSECTION (1) OF THIS SECTION, WITHIN ONE YEAR OF THE ADOPTION OF THE REGIONAL PLAN THE PLAN SHALL ONLY BE AMENDED UPON THE UNANIMOUS VOTE OF THE MEMBERS OF THE COMMISSION. THEREAFTER, A REGIONAL PLAN MAY BE AMENDED AT ANY TIME UPON THE APPROVAL OF MEMBERS OF THE COMMISSION REPRESENTING:

(a) AT LEAST TWO-THIRDS OF THE POPULATION IN THE REGION AS DETERMINED BY THE DEPARTMENT; AND

SB01-148

(b) AT LEAST TWO-THIRDS OF THE COUNTIES AND MUNICIPALITIES IN THE REGION."

Page 29 of the printed bill, strike lines 1 through 14.

Renumber succeeding subsection accordingly."

Page 305 of the committee amendment, after line 47, insert the following:

"Page 31 of the printed bill, after line 22, insert the following:

"(2.1) NO LOCAL PLANNING JURISDICTION THAT HAS ADOPTED A MASTER PLAN UNDER TITLE 29, 30, OR 31, C.R.S., OR PURSUANT TO MUNICIPAL HOME RULE AUTHORITY, AS OF JULY 1, 2001, AND THAT FURTHER COMPLIES WITH THE TERMS OF PARAGRAPH (d) OF THIS SUBSECTION (2.1), SHALL BE REQUIRED TO ADOPT A NEW OR DIFFERENT MASTER PLAN PURSUANT TO THIS ARTICLE, WHERE SUCH ADOPTED MASTER PLAN SATISFIES THE FOLLOWING REQUIREMENTS TO THE EXTENT APPLICABLE:

(a) THE LOCAL PLANNING JURISDICTION HAS ADOPTED A MASTER PLAN OR A COMPREHENSIVE PLAN DELINEATING URBANIZED AREAS AND GROWTH BOUNDARIES THAT ARE ADJACENT TO OR CONTIGUOUS WITH EXISTING MUNICIPAL BOUNDARIES AND THAT ARE NOT IN CONFLICT WITH THE DESIGNATED URBANIZED AREAS AND GROWTH BOUNDARIES OF THE ADJACENT LOCAL PLANNING JURISDICTIONS, AND THAT HAS DESIGNATED NONURBANIZED AREAS THE PRIMARY PURPOSE OF WHICH IS TO PROTECT NATURAL LAND, LOW-INTENSITY LAND USES, AND RURAL OR HISTORICAL CHARACTER AND TO PROVIDE FOR SEPARATION BETWEEN COMMUNITIES.

(b) A LOCAL PLANNING JURISDICTION THAT IS A COUNTY HAS COORDINATED ITS MASTER PLAN OR COMPREHENSIVE PLAN WITH A MAJORITY OF THE MUNICIPALITIES WITHIN ITS TERRITORY. A LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY HAS COORDINATED ITS COMPREHENSIVE OR MASTER PLAN WITH THOSE OF THE ADJACENT LOCAL JURISDICTIONS, WHICH COORDINATION MAY BE ACCOMPLISHED THROUGH JOINT ADOPTION OF PLANS, INTERGOVERNMENTAL AGREEMENT, OR OTHER FORMAL ACTION INDICATING MUTUAL AND BINDING CONSENT.

(c) IN THE CASE OF A LOCAL PLANNING JURISDICTION THAT IS WITHIN THE SIX COUNTIES COMPRISING THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, SUCH JURISDICTION HAS MADE ITS MASTER PLAN OR COMPREHENSIVE PLAN SUBSTANTIALLY CONSISTENT WITH THE ADOPTED "METRO VISION 2020".

(d) ON OR BEFORE JULY 1, 2003, THE LOCAL PLANNING JURISDICTION HAS ADOPTED AMENDMENTS TO THE MASTER PLAN SUCH THAT THE MASTER PLAN CONTAINS ALL ELEMENTS REQUIRED TO BE INCLUDED IN SUCH PLAN PURSUANT TO SECTION 24-63-303(2) (a) THROUGH (2) (e) AND (2) (g) THROUGH (2) (j).

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY MASTER OR COMPREHENSIVE PLAN OF A LOCAL PLANNING JURISDICTION THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (2.1) SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE TERMS OF THIS ARTICLE, INCLUDING, WITHOUT LIMITATION, THE TERMS OF SECTION 24-63-206.

(f) ANY LOCAL PLANNING JURISDICTION THAT HAS A MASTER OR COMPREHENSIVE PLAN THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (2.1) SHALL, TO THE EXTENT IT HAS NOT DONE SO ALREADY, CONFORM ITS LAND USE REGULATIONS TO SUCH PLAN NO LATER THAN JULY 1, 2003. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, SUCH CONFORMED REGULATIONS SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE PROVISIONS OF THIS ARTICLE."

Page 34, strike lines 14 through 24 and substitute the following:

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"(7) EXCEPT FOR AN AMENDMENT TO THE MASTER PLAN MADE AS PART OF THE PERIODIC REVIEW REQUIRED BY SUBSECTION (10) OF THIS SECTION WITHIN ONE YEAR OF THE ADOPTION OF THE MASTER PLAN, AN AMENDMENT TO THE PLAN SHALL REQUIRE THE UNANIMOUS APPROVAL OF THE MEMBERS OF THE GOVERNING BODY. THEREAFTER, THE MASTER PLAN MAY BE AMENDED AT ANY TIME UPON THE APPROVAL OF NOT LESS THAN TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BODY PRESENT.".

Page 305 of the committee amendment, line 53, strike "ITSELF"; and substitute "ITSELF".;

strike lines 55 and 56.

Page 307, line 42, after "WATER.", add "JOINTLY SHARED SEPTIC OR WATER FACILITIES IN A CLUSTERED DEVELOPMENT PURSUANT TO PART 4 OF ARTICLE 28 OF TITLE 30, C.R.S., SHALL NOT BE INCLUDED WITHIN THE DEFINITION OF "CENTRAL SEWER SYSTEM" OR CENTRAL WATER SYSTEM" FOR PURPOSES OF THIS ARTICLE.";

line 65, strike "LANDS." and substitute "LANDS UNLESS SUCH APPLICATION IS APPROVED IN ACCORDANCE WITH AN ADOPTED TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM THE EXPRESS PURPOSE OF WHICH IS TO PROTECT NONURBAN LAND.";

line 68, after "THE", insert "PRIVATELY-OWNED".

Page 308, line 10, strike "CLUSTERED PURSUANT TO SECTION 30-28-403, C.R.S.," and substitute "CLUSTERED".

Page 309, after line 30, insert the following:

"Page 52, line 1, after "APPROXIMATELY", insert "GREATER THAN OR";

after line 8, insert the following:

"(f) A PLANNING JURISDICTION SHALL NOT APPROVE URBAN DEVELOPMENT OUTSIDE ITS OWN DESIGNATED TWENTY-YEAR URBAN SERVICE AREA."

Reletter succeeding paragraphs accordingly."

Page 309, strike lines 34 through 36 and substitute the following:

"(6) WITH RESPECT TO LAND WITHIN OR WITHOUT ITS URBAN SERVICE AREA, THE LOCAL PLANNING JURISDICTION MAY";

after line 57, insert the following:

"Page 59, line 4, strike "APPLICATION." and substitute "APPLICATION, INCLUDING ANY TOLLING PROVISIONS."";

line 59, strike "Page 59,".

Page 310, strike line 2 and substitute the following:

"strike lines 15 through 27.

Page 61, strike lines 1 through 4.

Renumber succeeding subsections accordingly."

Page 310, line 6, strike "Page 61,";

line 40, strike "(8)." and substitute "(8).";

after line 40, insert the following:

"Page 62, line 10, after "APPROXIMATELY", insert "GREATER THAN OR".";

line 42, strike "Page 62,";

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after line 51, insert the following:

"line 6, strike "A" and substitute "AN IMPACT FEE OR";";

strike lines 55 through 57 and substitute the following:

"strike lines 8 through 22 and substitute the following:

"CAPITAL FACILITIES CONSISTENT WITH EXISTING LAW; EXCEPT";

strike line 70 and substitute the following:

"Page 64 of the printed bill, line 20, strike "ONLY CONSIDER" and substitute "ADOPT";".

Page 311 of the committee amendment, strike line 2 and substitute the following:

"line 25, strike "PROSPECTIVE REGULATIONS;" and substitute "MASTER PLAN AND LAND USE AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO SECTION 24-63-302 (8);".

Page 312, line 2, strike "CORRIDORS" and substitute "BASINS";

strike lines 28 and 29 and substitute the following:

(1) "BOARD" MEANS THE MINERALS, ENERGY, AND GEOLOGY POLICY ADVISORY BOARD CREATED IN SECTION 34-20-104 (1).

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-33-101 (1), C.R.S.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT."

Renumber succeeding subsections accordingly.

Page 312, line 31, strike "CORRIDORS" and substitute "BASINS";

line 37, strike "CORRIDOR." and substitute "BASIN.";

line 39, strike "CORRIDOR"" and substitute "BASIN"";

line 43, strike "POOL" and substitute "RESERVE";

line 53, strike "corridors." and substitute "basins.";

line 56, strike "CORRIDOR" and substitute "BASIN";

line 61, after "THE", insert "EXECUTIVE";

line 65, strike "GRANTS SHALL BE AWARDED" and substitute "IN CONSULTATION WITH THE BOARD, THE EXECUTIVE DIRECTOR MAY AWARD GRANT MONEYS";

line 67, strike "CORRIDOR," and substitute "BASIN,".

Page 313, line 7, after "APPLICABLE.", add "IN CONSULTATION WITH THE BOARD, THE EXECUTIVE DIRECTOR SHALL DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH SUCH GRANT AWARDED.";

strike lines 14 and 15 and substitute the following:

"PUBLICIZED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 24-33-102 (5.1), C.R.S.; AND";

line 17, strike "DIRECTOR" and substitute "EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD,";

line 23, strike "COMMISSION." and substitute "DEPARTMENT.";

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line 24, strike "DIRECTOR" and substitute "EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD,";

strike lines 27 through 36 and substitute the following:

"34-60-205. Oil and gas basins conservation fund.

(1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE OIL AND GAS BASINS CONSERVATION FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DEPARTMENT, IN CONSULTATION WITH THE BOARD.

(b) THE FUND SHALL CONSIST OF THE FOLLOWING MONEYS:

(I) ALL MONEYS AS MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY OUT OF THE TOTAL AMOUNT OF MONEYS AVAILABLE IN THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX FUND CREATED IN SECTION 39-29-109 (1) (a) (II), C.R.S., AFTER ALL SEVERANCE TAX RECEIPTS CREDITED TO SUCH ACCOUNT HAVE BEEN RESERVED FOR SATISFYING THE FUNDING NEEDS OF THE RECOMMENDED PROGRAMS SPECIFIED IN SECTION 39-29-109 (1) (c), C.R.S., INCLUDING THE MAINTENANCE OF A SUFFICIENT BALANCE IN SUCH ACCOUNT FOR FUNDING THE RECOMMENDED PROGRAMS FOR TWO STATE FISCAL YEARS; AND

(II) ALL OTHER MONEYS COLLECTED BY THE DEPARTMENT FOR THE FUND FROM FEDERAL GRANTS OR OTHER CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, OR DONATIONS RECEIVED FROM OTHER AGENCIES OF STATE GOVERNMENT, INDIVIDUALS, PRIVATE ORGANIZATIONS, OR FOUNDATIONS.

(c) ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (1) AND ALL OTHER MONEYS COLLECTED FOR THE DEPARTMENT FOR THE FUND PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.";

line 52, strike "CORRIDORS" and substitute "BASINS";

strike lines 61 through 71 and substitute the following:

"SECTION 6. 24-33-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-33-102. Powers and duties of the executive director and deputy director. (5.1) THE EXECUTIVE DIRECTOR SHALL ADOPT AND PUBLICIZE CRITERIA REGARDING GRANTS AWARDED BY THE DEPARTMENT OF NATURAL RESOURCES OUT OF MONEYS IN THE OIL AND GAS BASINS CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S.

(5.3) IN CONSULTATION WITH THE MINERALS, ENERGY, AND GEOLOGY POLICY ADVISORY BOARD CREATED IN SECTION 34-20-104, C.R.S., THE EXECUTIVE DIRECTOR SHALL REVIEW AND APPROVE APPLICATIONS FOR GRANTS OUT OF MONEYS IN THE OIL AND GAS BASINS CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S., IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204, C.R.S., AND DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH SUCH GRANT.

SECTION 7. 34-20-104 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

34-20-104. Minerals, energy, and geology policy advisory board - creation. (3) The advisory board shall:

(k) CONSULT WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING THE AWARDING OF GRANTS OUT OF THE OIL AND GAS BASINS CONSERVATION FUND CREATED IN SECTION 34-60-205 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204; AND

(l) CONSULT WITH THE DEPARTMENT OF NATURAL RESOURCES IN

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CONNECTION WITH THE ADMINISTRATION OF THE OIL AND GAS BASINS
CONSERVATION FUND CREATED IN SECTION 34-60-205 IN ACCORDANCE
WITH THE REQUIREMENTS OF THAT SECTION.

SECTION 8. 39-29-109 (1) (a) (II), Colorado Revised Statutes,
is amended to read:

**39-29-109. Severance tax trust fund - created - administration
- use of moneys - repeal.** (1) (a) (II) The operational account. One-half
of the severance tax receipts credited to the severance tax trust fund for
tax years commencing on and after July 1, 1995, shall be credited to the
operational account of the severance tax trust fund and used to fund
programs established within the COLORADO DEPARTMENT OF NATURAL
RESOURCES, THE Colorado oil and gas conservation commission, the
Colorado geological survey, the division of minerals and geology, and the
Colorado water conservation board that promote and encourage sound
natural resource planning, management, and development related to
minerals, energy, geology, and water, as set forth in paragraph (c) of this
subsection (1).

SECTION 9. 39-29-110 (1) (b) (I), Colorado Revised Statutes,
is amended to read:

**39-29-110. Local government severance tax fund - creation -
administration - energy impact assistance advisory committee created.**
(1) (b) (I) Eighty-five percent of the funds from the local government
severance tax fund shall be distributed to those political subdivisions
socially or economically impacted by the development, processing, or
energy conversion of minerals and mineral fuels subject to taxation under
this article and used for the planning, construction, and maintenance of
public facilities and for the provision of public services. Such funds shall
also be distributed to political subdivisions to compensate them for loss
of property tax revenue resulting from the deduction of severance taxes
paid in the determination of the valuation for assessment of producing
mines AND TO COMPENSATE SUCH SUBDIVISIONS FOR THE ACQUISITION OF
DEVELOPMENT RIGHTS IN ACCORDANCE WITH THE REQUIREMENTS OF
SECTION 34-60-204, C.R.S."

Page 314, strike lines 2 through 6.

ReNUMBER succeeding section accordingly.

Page 314, line 12, strike "corridors" and substitute "basins";

line 14, strike "_____ dollars (\$) and _____ FTE," and substitute "five
million dollars (\$5,000,000),";

line 18, strike "corridors" and substitute "basins";

line 20, strike "for";

line 21, strike "allocation to oil and gas conservation commission,";

line 22, strike "_____ dollars (\$) and _____ FTE," and substitute "five
million dollars (\$5,000,000) and 0.3 FTE,";

line 24, strike "act." and substitute "act.";

after line 24, insert the following:

"(3) In addition to any other appropriation, there is hereby
appropriated to the department of law, for the fiscal year beginning July
1, 2001, the sum of two thousand two hundred and thirty-two dollars
(\$2,232), or so much thereof as may be necessary, for the provision of
legal services to the department of natural resources, oil and gas
conservation commission, related to the implementation of this act. Said
sum shall be from cash funds exempt received from the oil and gas
conservation commission out of the appropriation made in subsection (2)
of this section.".

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Government, The committee has had under consideration and has had a hearing on the following 1
 Veterans and appointments and recommends that the appointments be confirmed and recommends that 2
 Military the appointments be favorably referred to the Committee on Senate Business, Labor and 3
 Relations, and Finance. 4
 Transportation 5

MEMBERS OF THE
BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2001: 8

Karen E. Hart of Kiowa, Colorado, to serve as a public employee experienced in property 11
 evaluation and taxation and as a Democrat, reappointed; 12

Mark R. Linne of Bailey, Colorado, to serve as a public employee experienced in property 14
 evaluation and taxation and as a Republican, appointed; 15

Debra Baumbach of Littleton, Colorado, to serve as a public employee experienced in 17
 residential appraisals and as an Unaffiliated, reappointed; 18

Joseph R. Shaw of Highlands Ranch, Colorado, to serve as a public employee experienced 20
 in property evaluation and taxation and as a Republican, appointed. 21

Government, After consideration on the merits, the committee recommends that **SJR01-010** be 25
 Veterans and amended as follows and, as so amended be referred to the Senate for final action: 26
 Military 27
 Relations, and 28
 Transportation 29

Amend printed resolution, page 2, strike line 17 and substitute "Colorado 30
 stand for peaceful resolution in this time of crisis."; 31
 strike line 18. 32

Government, After consideration on the merits, the committee recommends that **HB01-1007** be 36
 Veterans and referred to the Committee of the Whole with favorable recommendation and be placed 37
 Military on the Consent Calendar. 38
 Relations, and 39
 Transportation 40

MESSAGE FROM THE HOUSE

March 12, 2001 45

Mr. President: 47

The House has passed on Third Reading and transmitted to the Revisor of Statutes 49
 HB01-1287, amended as printed in House Journal, March 9, page 728. 50
 HB01-1331, amended as printed in House Journal, March 9, pages 728-729. 51

The House has passed on Third Reading and returns herewith SB01-055, 049, 128, 141. 53

The House has passed on Third Reading and transmitted to the Revisor of Statutes; 55
 SB01-025, amended as printed in House Journal, March 9, page 727. 56
 SB01-043, amended as printed in House Journal, March 9, page 728. 57
 SB01-022, amended as printed in House Journal, March 9, page 730. 58

MESSAGE FROM THE REVISOR

We herewith transmit: 63

without comment, as amended, HB01-1287 and 1331 and SB01-025, 043, and 022. 65

INTRODUCTION OF BILLS--FIRST READING

The following bill was read by title and referred to the committee indicated: 70

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SB01-208

by Senator Nichol; also Representative Alexander--Concerning recommendations of the senate committee on government, veterans and military relations, and transportation relating to requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

Government, Veterans and Military Relations, and Transportation

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1001, 1021, 1027, 1041, 1048, 1053, 1069, 1080, 1164, 1179, 1246.**

TRIBUTES--A POINT OF INTEREST

Honoring Antawn Keller by Senator Hillman.

Honoring Dustin Uhland by Senator Hillman.

Honoring David Good by Senator Hillman.

Honoring Alan Palmer by Senator Hillman.

On motion of Senator Chlouber, the Senate adjourned until 9:00 a.m., March, 13, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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