

**SENATE JOURNAL**  
Sixty-third General Assembly  
**STATE OF COLORADO**  
Second Extraordinary Session

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Twelfth Legislative Day Monday, October 1, 2001

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

Roll Call      Present--Total, 33.  
Absent/Excused--Dyer, Epps--Total, 2.  
Present later--Dyer.

Quorum      The President announced a quorum present.

Reading of Journal      On motion of Senator May, reading of the Journal of Tuesday, September 25, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services      Correctly printed: SB 01S2-021.  
Correctly revised: HJR 01S2-1004, 1005.  
Correctly engrossed: SB 01S2-009, 006, 012, 004, 001, 003, 010.  
Correctly enrolled: SR 01S2-001, 002, SJR 01S2-001, 003, 004, 005.

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**COMMUNICATION FROM THE SECRETARY OF STATE**

**STATE OF COLORADO**

**Department of State**

**UNITED STATES OF AMERICA      )      SS.    Certificate**  
**STATE OF COLORADO            )**

I, DONETTA DAVIDSON, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of Executive Order Amendment D 013 01, amending Executive Order D 011 01, as filed in this office on September 28, 2001.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 1st day of October, A.D., 2001.

(Signed)  
Donetta Davidson  
Secretary of State

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**D 013 01**

**EXECUTIVE ORDER  
AMENDMENT**

**Amending Executive Order D 011 01**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular vested in the Governor pursuant to Article IV, Section 9 of the Colorado Constitution, and as provided for in Article V, Section 7, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 011 01 and designating an additional subject for consideration during the second special session of the Sixty-Third General Assembly.

Executive Order D 011 01 dated September 10, 2001 is hereby amended with the addition and designation of the following call item to Section 2:

2. Proclamation

O. Concerning increasing the state's financial contribution for state employee medical health care premium for fiscal year 2002.

GIVEN under my hand and the Executive Seal of the State of Colorado this 28<sup>th</sup> day of September, 2001.

(signed)  
Bill Owens  
Governor

**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:

**SB01S2-009** by Senator Windels; also Representative Smith--Concerning the authority of the board of directors of the regional transportation district upon approval of the eligible electors of the district to increase the rate of sales tax levied by the district to a rate not to exceed one percent.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Co-sponsors added: Ftiz-Gerald, Hanna, Linkhart, Pascoe, Perlmutter, Reeves, Tate, Tupa.

**SB01S2-006** by Senator Perlmutter--Concerning the conservation of land to allow for the extraction of natural resource deposits, and making an appropriation therefor.

Laid over until Tuesday, October 2, 2001, retaining its place on the calendar.

**SB01S2-012** by Senators Reeves, Hagedorn, Hanna, Linkhart, Pascoe, Phillips, Windels, Hernandez, and Tate; also Representatives Berry, Larson, Romanoff and Smith--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

Laid over until Tuesday, October 2, 2001, retaining its place on the calendar.

**SB01S2-010** by Senator Tate; also Representative Romanoff--Concerning the provision of affordable housing in the state as a part of the local government planning and development process.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	N	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Gordon, Hagedorn, Hanna, Isgar, Linkhart, Matsunaka, Pascoe, Perlmutter, Phillips, Takis, Tupa, Windels.

**SB01S2-004** by Senator Perlmutter; also Representative Smith--Concerning the procedures for mandatory master planning by certain local governments.

**SB01S2-004** A majority of those elected to the Senate having voted in the affirmative, Senator Phillips was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, by Senator Phillips.

Amend engrossed bill, page 13, after line 3, insert the following:

"(7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO COUNTY SHALL BE REQUIRED TO AMEND OR READOPT ITS MASTER PLAN AS OTHERWISE REQUIRED BY THIS SECTION, IF, BY THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, THE COUNTY HAS ALREADY:

(I) ADOPTED A COUNTY-WIDE MASTER PLAN WHICH SUBSTANTIALLY COMPLIES WITH THE REQUIRED ELEMENTS GOVERNING COUNTY COMPREHENSIVE PLANS AS STATED IN THIS SECTION; AND

(II) IMPLEMENTED OR REQUIRED COMPLIANCE WITH THAT PLAN THROUGH ITS ZONING AND OTHER APPLICABLE LAND USE REGULATIONS.

(b) ANY SUCH PLAN NOT REQUIRED TO BE AMENDED OR READOPTED HEREUNDER SHALL STILL BE REQUIRED TO BE REVIEWED EVERY FIVE YEARS FOLLOWING JULY 1, 2003, PURSUANT TO SUBSECTION \_\_\_ OF THIS SECTION."

A majority of those elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hagedorn, Hanna, Hernandez, Linkhart, Pascoe, Phillips, Takis, Tupa.

**SB01S2-001** by Senator Matsunaka; also Representative Smith--Concerning the authority of local governments to provide incentives to encourage smart growth.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tupa, Windels.

**SB01S2-003** by Senator Pascoe; also Representative Plant--Concerning regional planning for growth management.

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

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**SB01S2-003**

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Co-sponsor added: Tate.

**MESSAGE FROM THE GOVERNOR**

September 25, 2001

To the Honorable  
Senate  
Sixty-third General Assembly  
Second Extraordinary Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

**S.B. 01S2-008** – Concerning Clarification of the Applicable Penalties for Offenses Involving the Operation of a Motor Vehicle by a Person Who has Consumed Alcohol.

Approved September 25, 2001 at 3:50 p.m.

Sincerely,

(signed)  
Bill Owens  
Governor

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SR01S2-001, 002; SJR01S2-001, 003, 004, 005.

Senate in Recess--Senate Reconvened.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **HB01S2-1001** be referred favorably to the Committee of the Whole.

Approp-  
riations

After consideration on the merits, the committee recommends that **SJR01S2-002** be referred to the Senate for final action.

Approp-  
riations

After consideration on the merits, the committee recommends that **SCR01S2-001** be referred favorably to the Committee of the Whole.

Public Policy  
and Planning

After consideration on the merits, the committee recommends that **SB01S2-007** be referred favorably to the Committee of the Whole.

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Public Policy After consideration on the merits, the committee recommends that **SB01S2-014** be and Planning referred favorably to the Committee of the Whole.

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Public Policy After consideration on the merits, the committee recommends that **SB01S2-016** be and Planning postponed indefinitely.

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Public Policy After consideration on the merits, the committee recommends that **SB01S2-020** be and Planning referred favorably to the Committee of the Whole.

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Public Policy After consideration on the merits, the committee recommends that **SB01S2-021** be and Planning referred favorably to the Committee of the Whole.

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**MESSAGE FROM THE HOUSE**

October 1, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01S2-1019.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01S2-1023, amended as printed in House Journal, Sept. 25, pages 77-89.

HB01S2-1004, amended as printed in House Journal, Sept. 25, pages 90-100.

HB01S2-1020, amended as printed in House Journal, Sept. 25, page 104.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01S2-1003, amended on Third Reading as printed in House Journal, Oct. 1.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

without comment, as amended, HB01S2-1003, 1023, 1004, and 1020; and with comment, HB01S2-1019.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**HB01S2-1003** by Representative Lee; also Senator Andrews--Concerning the congressional redistricting of Colorado.

Public Policy and Planning

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**HB01S2-1004** by Representative Fairbank; also Senator Hillman--Concerning the congressional redistricting of Colorado.

Public Policy and Planning

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**HB01S2-1019** by Representative Scott; also Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Public Policy and Planning

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**HB01S2-1020** by Representative Madden; also Senator Teck--Concerning procedures to resolve conflict arising from local government decisions relating to master plans.

Public Policy and Planning

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**HB01S2-1023** by Representative Stengel; also Senator Hillman--Concerning the congressional redistricting of Colorado.

Public Policy and Planning

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**SB01S2-022** by Senators Thiebaut, Hagedorn and Hernandez--Concerning an increase in the state contribution for employees enrolled in group benefit plans.

Health, Environment, Children & Families

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: HJR01S2-1001, 1002, 1004, 1005.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S2-020** and **SB01S2-005** were made Special Orders at 2:38 p.m.

Committee of the Whole

The hour of 2:38 p.m. having arrived, Senator Hernandez moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Hernandez was called to the Chair to act as Chairman.

**SPECIAL 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:

**SB01S2-020** by Senator Thiebaut--Concerning the congressional redistricting of Colorado.

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

**SB01S2-005** by Senator Phillips; also Representative Tapia--Concerning intergovernmental cooperation in connection with municipal annexations.

Ordered engrossed 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 Hernandez, 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: **SB01S2-020**, **SB01S2-005**.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, October 2, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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