

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

Fifteenth Legislative Day Thursday, October 4, 2001

Prayer By Senator John Andrews.

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

Roll Call Present--Total, 31.
Absent/Excused--Epps, Hanna, Hernandez, Musgrave--Total 4.
Present later--Hanna, Hernandez, Musgrave.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator McElhany, reading of the Journal of Wednesday, October 3, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SJR 01S2-007.

Correctly reengrossed SB 01S2-012.

Correctly engrossed: SB 01S2-022, 021, 015, SCR 01S2-001, SJR 01S2-007.

Correctly revised: HB 01S2-1020, 1010, 1001.

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:

SB01S2-022 by Senators Thiebaut, Hagedorn and Hernandez; also Representative Spradley-- Concerning an increase in the state contribution for employees enrolled in group benefit plans, and making an appropriation in connection therewith.

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Arnold, Chlouber, Entz, Fitz-Gerald, Gordon, Hanna, Isgar, Linkhart, Matsunaka, Nichol, Perlmutter, Phillips, Takis, Tate, Taylor, Tupa, Windels.

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

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

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HB01S2-1020

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Chlouber, Evans, Gordon, Hillman, Isgar, McElhany, Pascoe, Phillips, Tupa, Windels.

HB01S2-1010 by Representatives Mace, Cadman, Coleman, Marshall, Chavez, Daniel, Hodge, Jahn, Ragsdale, Sanchez, Tapia and Vigil; also Senator Hernandez--Concerning the creation of a regional planning agreement between certain local governments that are members of the metropolitan planning organization for the Denver region.

Laid over until later in the day, retaining its place on the calendar.

SCR01S2-001 by Senator Fitz-Gerald--Submitting to the registered electors of the state of Colorado an amendment to add article XXVIII to the constitution of the state of Colorado, concerning the protection of Colorado's resources from the impacts of growth, and, in connection therewith, preserving certain resources, including lands used as working farms and ranches, open spaces, urban open lands, and water rights, and financing such protection through the retention of state revenues not to exceed fifty million dollars annually in excess of the constitutional limitation on state fiscal year spending.

Laid over until later in the day, retaining its place on the calendar.

HB01S2-1001 by Representative Kester; also Senator Phillips--Concerning the opportunity for property owners adjacent to an area proposed to be annexed to be included in such annexation when the contiguity requirement is achieved by annexing certain parcels of land.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Entz, Evans, Fitz-Gerald, Hagedorn, Hernandez, Hillman, McElhany, Perlmutter, Reeves, Taylor, Teck, Tupa.

SB01S2-021 by Senator Tate--Concerning the congressional redistricting of Colorado.

Laid over until later in the day, retaining its place on the calendar.

SB01S2-015 by Senators Hernandez and Perlmutter--Concerning land development charges that may be imposed by local governments.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	N	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	E	Lamborn	Y	Phillips	N	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	N		

SB01S2-015 Co-sponsors added: Andrews, Dyer, Fitz-Gerald, Matsunaka, Nichol, Teck.

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 Third Reading--Final Passage of Bills.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SCR01S2-001 by Senator Fitz-Gerald; also Representative Grossman--Submitting to the registered electors of the state of Colorado an amendment to add article XXVIII to the constitution of the state of Colorado, concerning the protection of Colorado's resources from the impacts of growth, and, in connection therewith, preserving certain resources, including lands used as working farms and ranches, open spaces, urban open lands, and water rights, and financing such protection through the retention of state revenues not to exceed fifty million dollars annually in excess of the constitutional limitation on state fiscal year spending.

The question being "Shall the concurrent resolution 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		

Less than the constitutionally required two-thirds members of the Senate having voted in the affirmative, the concurrent resolution was declared **lost**.

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR01S2-002 by Senator Tupa; also Representative Swenson--Concerning creation of an interim committee to study transportation funding.

On motion of Senator Tupa, the resolution was **adopted** by the following roll call vote:

YES	19	NO	15	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	Y	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: Fitz-Gerald, Gordon, Hanna, Linkhart, Matsunaka, Nichol, Pascoe, Phillips, Thiebaut, Windels.

HJR01S2-1003 by Representatives Marshall, Borodkin, Boyd, Madden, Plant, Smith, Veiga, and Stengel; also Senator Anderson--Concerning the encouragement of efforts to promote responsible growth in the state of Colorado.

On motion of Senator Anderson, the resolution was **adopted** by the following roll call vote:

HJR01S2-1003

YES	20	NO	14	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	N	Teck	Y
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	N
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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Gordon, Perlmutter, Tate, Tupa.

MESSAGE FROM THE HOUSE

October 4, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01S2-1034, amended as printed in House Journal, October 3, page 155.

The House has adopted and transmits herewith HJR01S2-1007, as printed in House Journal, October 4, and amended as printed in House Journal, October 4.

The House has postponed indefinitely SB01S2-005. The bill is returned herewith.

October 4, 2001

Mr. President:

The House has postponed indefinitely SB01S2-006. The bill is returned herewith.

The House has adopted and transmits herewith HJR01S2-1006, as printed in House Journal, October 2, pages 127-128, and amended as printed in House Journal, October 4.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB01S2-1034.

INTRODUCTION OF BILLS--FIRST READING

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

HB01S2-1034 by Representatives Tapia, Spradley and Lawrence; also Senator Hernandez--Concerning a pilot program for a group benefit insurance plan for state employees experiencing increases in HMO health insurance costs exceeding a specified amount.
Health, Environment, Children and Families

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **SB01S2-1034** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 4, strike "CARRIER" and substitute " CARRIER, INCLUDING A PREFERRED PROVIDER ORGANIZATION,";

line 17, strike "CARRIER" and substitute " CARRIER, INCLUDING A

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SB01S2-1034

PREFERRED PROVIDER ORGANIZATION," .

MESSAGE FROM THE HOUSE

October 4, 2001

Mr. President:

The House has voted to concur in the Senate amendments to HB01S2-1001, HB01S2-1020 and has repassed the bills as so amended.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01S2-1034** was made Special Orders at 1:59 p.m.

Committee of the Whole

The hour of 1:59 p.m. having arrived, Senator Tupa moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Tupa 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB01S2-1034 by Representatives Tapia, Spradley and Lawrence; also Senator Hernandez--Concerning a pilot program for a group benefit insurance plan for state employees experiencing increases in HMO health insurance costs exceeding a specified amount.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment. (Printed in Senate Journal, October 4, 2001, pages 70-71.)

As amended, 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 Tupa, 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: **HB01S2-1034** as amended.

Senate in Recess--Senate Reconvened.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01S2-1006** and **HB01S2-1019** were made Special Orders at 4:19 p.m.

Committee of the Whole

The hour of 4:19 p.m. having arrived, Senator Tupa moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Tupa 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:

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

Amendment No. 1, Public Policy and Planning Committee Amendment. (Printed in Senate Journal, October 3, 2001, page 50-51.)

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HB01S2-1019 Amendment No. 2(L.005), by Senator Hagedorn.

Amend reengrossed bill, page 5, after line 13, insert the following:

(f) NO MASTER PLAN AS ORIGINALLY ADOPTED OR AMENDED SHALL RESULT IN A CHANGE IN USE OR ZONING THAT INTERFERES WITH ANY USE OF LAND WITHIN THE COUNTY FOR A RECREATIONAL PURPOSE, INCLUDING LAND ON WHICH MAY BE LOCATED COMMERCIAL FACILITIES SUPPORTING SUCH USES. FOR PURPOSES OF THIS PARAGRAPH (e), "RECREATIONAL PURPOSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 33-41-102 (5), C.R.S."

Page 9, line 14, strike "(1.9)" and substitute "(1.8)";

after line 17, insert the following:

"(1.9) NO MASTER PLAN AS ORIGINALLY ADOPTED OR AMENDED SHALL RESULT IN A CHANGE IN USE OR ZONING THAT INTERFERES WITH ANY USE OF LAND WITHIN THE MUNICIPALITY FOR A RECREATIONAL PURPOSE, INCLUDING LAND ON WHICH MAY BE LOCATED COMMERCIAL FACILITIES SUPPORTING SUCH USES. FOR PURPOSES OF THIS SUBSECTION (1.9), "RECREATIONAL PURPOSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 33-41-102 (5), C.R.S."

Amendment No. 3 (L.014), by Senator Tate.

Amend reengrossed bill, page 6, strike lines 3 through 12 and substitute the following:

"(b) Any plan OR AMENDMENTS TO A PLAN adopted by a regional planning commission shall not be deemed an official advisory plan of any municipality or county LOCATED WITHIN THE REGION unless adopted by the planning commission of such municipality or county THE GOVERNING BODY OF SAID COUNTY OR MUNICIPALITY HAS ADOPTED ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER. IF NOT SO ADOPTED BY THE GOVERNING BODY, ANY MASTER PLAN ADOPTED OR AMENDED BY A REGIONAL PLANNING COMMISSION SHALL BE ADVISORY ONLY."

Amendment No. 4(L.011), by Senator Perlmutter.

Amend reengrossed bill, page 2, strike lines 2 and 3 and substitute the following:

"SECTION 1. 30-28-106 (1) and (2), the introductory portion to 30-28-106 (3) (a), 30-28-106 (3) (a) (IV), and 30-28-106 (3) (f), Colorado Revised Statutes, are amended, and the said 30-28-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:"

Page 6, after line 12, insert the following:

"(2.5) AT A MINIMUM, THE MASTER PLAN OF A COUNTY REQUIRED BY THIS SECTION SHALL CONTAIN THE FOLLOWING ELEMENTS:

(a) (I) A LAND USE ELEMENT THAT SHALL DESIGNATE GENERAL USES AND RANGES OF DENSITY FOR ALL OF THE UNINCORPORATED LAND WITHIN THE COUNTY. THE LAND USE ELEMENT MAY CONSIDER, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND USES.

(II) THE LAND USE ELEMENT SHALL SHOW HOW THE COUNTY INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY SUBSECTION (1) OF THIS SECTION, AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CREATED IN SECTION 34-60-104 (1), C.R.S.

(b) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR AREAS PROPOSED FOR DEVELOPMENT WITHIN THE

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HB01S2-1019

UNINCORPORATED AREAS OF THE COUNTY. THE COUNTY PLANNING COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION OF WATER SUPPLY AND FACILITY PLANNING. THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(c) A TRANSPORTATION ELEMENT THAT SHALL DEMONSTRATE APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES THAT MAY INCLUDE, WITHOUT LIMITATION, ALL TYPES OF HIGHWAYS, ROADS, AND STREETS, MASS TRANSIT ROUTINGS, BICYCLE WAYS, SIDEWALKS, RAILWAYS, WATERWAYS, AIRWAYS, AND TERMINALS FOR PEOPLE, GOODS, AND VEHICLES. IN PREPARING THE TRANSPORTATION ELEMENT, THE COUNTY SHALL CONSULT THE PLANS OF THE STATE DEPARTMENT OF TRANSPORTATION AS WELL AS THE PARTICULAR METROPOLITAN PLANNING ORGANIZATION OR TRANSPORTATION PLANNING ORGANIZATION WITHIN WHOSE JURISDICTION THE COUNTY IS LOCATED.

(d) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH COUNTY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL AND THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT OR URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY BE PROVIDED BY THE COUNTY OR BY AGREEMENT THROUGH A MUNICIPALITY, QUASI-MUNICIPAL CORPORATION, OR PRIVATE ENTITY. FOR PURPOSES OF THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL WATER AND SEWER SERVICES, PUBLIC UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND ROADS. ADDITIONAL SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE MASTER PLAN, INCLUDING ANY URBAN SERVICES AREA DESIGNATED BY THE COUNTY.

(e) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE COUNTY SHALL ADDRESS COMPLIANCE WITH BOTH APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE JURISDICTIONAL AUTHORITY OF THE COUNTY. THE COUNTY SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE COUNTY IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE COUNTY; EXCEPT THAT NOTHING IN THIS PARAGRAPH (e) SHALL ENLARGE OR DIMINISH THE EXISTING AUTHORITY OF A COUNTY RELATING TO ENVIRONMENTAL PROTECTION. FOR PURPOSES OF THIS PARAGRAPH (e), "CRITICAL AND SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE, INCLUDING, WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF, INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE COUNTY OR ANY REGIONAL PLANNING COMMISSION WHERE APPLICABLE. IN CONNECTION WITH THE ESTABLISHMENT OF A CRITICAL OR SENSITIVE AREA, THE COUNTY SHALL CONSIDER THE IMPACT OF THIS DESIGNATION UPON SUCH PROPERTY RIGHTS AS MAY BE PROTECTED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION.

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HB01S2-1019

(f) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE COUNTY, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, ANY MUNICIPALITY ANY PORTION OF WHICH IS LOCATED WITHIN THE COUNTY, AND THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S., SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY OF ITS RESIDENTS IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS PARAGRAPH (f), "DISASTER" SHALL HAVE THE SAME MEANING AS IS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.

(g) A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE COUNTY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE COUNTY AND VISITORS TO THE COUNTY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

(3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan. ~~and, after consideration of each of the following, where applicable or appropriate, may include, but not be limited to~~ IN ADDITION, THE PLAN MAY CONTAIN THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE:

~~(IV) The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the county or region to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this subparagraph (IV) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility."~~

line 13, strike "(3)";

line 18, strike "(1)" and substitute "(1) (a)".

Page 7, strike line 15 and substitute the following:

"and outlying areas. ~~including but not limited to~~:"

"(b) AT A MINIMUM, THE MASTER PLAN OF A MUNICIPALITY ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL CONTAIN THE FOLLOWING ELEMENTS:

(I) (A) A LAND USE ELEMENT THAT SHALL DESIGNATE GENERAL USES AND RANGES OF DENSITY FOR ALL OF THE LAND OVER WHICH THE MUNICIPALITY EXERCISES JURISDICTION. THE LAND USE ELEMENT MAY CONSIDER, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND USES.

(B) THE LAND USE ELEMENT SHALL SHOW HOW THE MUNICIPALITY INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CREATED IN SECTION 34-60-104 (1), C.R.S.

(II) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR AREAS PROPOSED FOR DEVELOPMENT WITHIN THE MUNICIPALITY. THE MUNICIPALITY SHALL CONSULT WITH THE ENTITIES

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THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION OF WATER SUPPLY AND FACILITY PLANNING. THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

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(III) A TRANSPORTATION ELEMENT THAT SHALL DEMONSTRATE APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES THAT MAY INCLUDE, WITHOUT LIMITATION, ALL TYPES OF HIGHWAYS, ROADS, AND STREETS, MASS TRANSIT ROUTINGS, BICYCLE WAYS, SIDEWALKS, RAILWAYS, WATERWAYS, AIRWAYS, AND TERMINALS FOR PEOPLE, GOODS, AND VEHICLES. IN PREPARING THE TRANSPORTATION ELEMENT, THE MUNICIPALITY SHALL CONSULT THE PLANS OF THE STATE DEPARTMENT OF TRANSPORTATION AS WELL AS THE PARTICULAR METROPOLITAN PLANNING ORGANIZATION OR TRANSPORTATION PLANNING ORGANIZATION WITHIN WHOSE JURISDICTION THE MUNICIPALITY IS LOCATED.

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(IV) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH MUNICIPALITY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL AND THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT OR URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY BE PROVIDED BY THE MUNICIPALITY OR BY AGREEMENT THROUGH A QUASI-MUNICIPAL CORPORATION OR PRIVATE ENTITY. FOR PURPOSES OF THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL WATER AND SEWER SERVICES, PUBLIC UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND ROADS. ADDITIONAL SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE MASTER PLAN, INCLUDING ANY URBAN SERVICES AREA DESIGNATED BY THE MUNICIPALITY.

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(V) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL ADDRESS COMPLIANCE WITH BOTH APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE JURISDICTIONAL AUTHORITY OF THE MUNICIPALITY. THE MUNICIPALITY SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE MUNICIPALITY IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE MUNICIPALITY; EXCEPT THAT NOTHING IN THIS SUBPARAGRAPH (V) SHALL ENLARGE OR DIMINISH THE EXISTING AUTHORITY OF A MUNICIPALITY RELATING TO ENVIRONMENTAL PROTECTION. FOR PURPOSES OF THIS SUBPARAGRAPH (V), "CRITICAL AND SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE, INCLUDING, WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF, INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE MUNICIPALITY WHERE APPLICABLE. IN CONNECTION WITH THE ESTABLISHMENT OF A CRITICAL OR SENSITIVE AREA, THE MUNICIPALITY SHALL CONSIDER THE IMPACT OF THIS DESIGNATION UPON SUCH PROPERTY RIGHTS AS MAY BE PROTECTED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION.

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(VI) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE MUNICIPALITY, IN CONSULTATION WITH APPROPRIATE OFFICES

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OF THE FEDERAL GOVERNMENT, ANY COUNTY IN WHICH ANY PORTION OF THE MUNICIPALITY IS LOCATED, AND THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S., SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY OF ITS RESIDENTS IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS PARAGRAPH (f), "DISASTER" SHALL HAVE THE SAME MEANING AS IS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.

(VII) A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE MUNICIPALITY AND VISITORS TO THE MUNICIPALITY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

(c) THE MASTER PLAN OF A MUNICIPALITY OR REGION, WITH THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, SHALL SHOW THE MUNICIPALITY'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED BY THE PLAN. IN ADDITION, THE PLAN MAY CONTAIN THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE:

(a) (I) The general location, character, and extent of existing, proposed, or projected streets, roads, rights-of-way, bridges, waterways, waterfronts, parkways, highways, mass transit routes and corridors, and any transportation plan prepared by any metropolitan planning organization that covers all or a portion of the municipality and that the municipality has received notification of or, if the municipality is not located in an area covered by a metropolitan planning organization, any transportation plan prepared by the department of transportation that the municipality has received notification of and that covers all or a portion of the municipality;

(b) (II) The general location of public places or facilities, including public schools, culturally, historically, or archaeologically significant buildings, sites, and objects, playgrounds, squares, parks, airports, aviation fields, and other public ways, grounds, open spaces, trails, and designated federal, state, and local wildlife areas;

(c) (III) The general location and extent of public utilities terminals, capital facilities, and transfer facilities, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, and any proposed or projected needs for capital facilities and utilities, including the priorities, anticipated costs, and funding proposals for such facilities and utilities;

(d) (IV) The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the municipality to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this paragraph (d) SUBPARAGRAPH (IV) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.

(e) (V) The acceptance, removal, relocation, widening, narrowing, vacating, abandonment, modification, change of use, or extension of any of the public ways, rights-of-way, including the coordination of such rights-of-way with the rights-of-way of other municipalities, counties, or regions, grounds, open spaces, buildings, property, utility, or terminals, referred to in paragraphs (a) to (d) of this subsection (1) SUBPARAGRAPHS (I) TO (IV) OF THIS PARAGRAPH (g);

(f) (VI) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. Such a zoning plan may

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protect and assure access to appropriate conditions for solar, wind, or other alternative energy sources; however, regulations and restrictions of the height, number of stories, size of buildings and other structures, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation.

~~(g)~~ (VII) The general character, location, and extent of community centers, housing developments, whether public or private, the existing, proposed, or projected location of residential neighborhoods and sufficient land for future housing development for the existing and projected economic and other needs of all current and anticipated residents of the municipality, and redevelopment areas. If a municipality has entered into a regional planning agreement, such agreement may be incorporated by reference into the master plan.

~~(h)~~ (VIII) A master plan for the extraction of commercial mineral deposits pursuant to section 34-1-304, C.R.S.;

~~(i)~~ (IX) A plan for the location and placement of public utilities that facilitates the provision of such utilities to all existing, proposed, or projected developments in the municipality;

~~(j)~~ (X) Projections of population growth and housing needs to accommodate the projected population for specified increments of time. The municipality may base these projections upon data from the department of local affairs and upon the municipality's local objectives.

~~(k)~~ (XI) The areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

~~(A)~~ (A) The Colorado geological survey for defining and mapping geological hazards;

~~(B)~~ (B) The United States fish and wildlife service of the United States department of the interior and the Colorado wildlife commission for locating areas inhabited by endangered or threatened species;

~~(C)~~ (C) The United States army corps of engineers and the United States fish and wildlife service national wetlands inventory for defining and mapping wetlands;

~~(D)~~ (D) The federal emergency management agency for defining and mapping floodplains, floodways, and flood risk zones;

~~(E)~~ (E) The natural resources conservation service of the United States department of agriculture for defining and mapping unstable soils and highly erodible land; and

~~(F)~~ (F) The Colorado state forest service for locating wildfire hazard areas."

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

HB01S2-1006 by Representative Stengel; also Senator Perlmutter--Concerning the mandatory adoption of local government master plans.

Amendment No. 1(L.010), by Senator Hagedorn.

Amend reengrossed bill, page 2, line 3, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS".

Page 3, after line 4, insert the following:

"(5) A MASTER PLAN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL CONTAIN A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE COUNTY SHALL

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INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE COUNTY AND VISITORS TO THE COUNTY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, SHOOTING, OR ANY OTHER FORM OF SPORTS OR OTHER RECREATIONAL ACTIVITY, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.";

line 6, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS";

after line 25, insert the following:

"(5) A MASTER PLAN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL CONTAIN A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE MUNICIPALITY AND VISITORS TO THE MUNICIPALITY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, OR ANY OTHER FORM OF SPORTS OR OTHER RECREATIONAL ACTIVITY, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES." .

Amendment No. 2(L.011), by Senator Perlmutter.

Amend reengrossed bill, page 2, after line 17, insert the following:

"(b) TO THE EXTENT THE COUNTY DOES NOT MEET A DESCRIPTION SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE COUNTIES OF CLEAR CREEK, GILPIN, MORGAN, AND PITKIN SHALL ADOPT A MASTER PLAN WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4).".

Reletter succeeding paragraph accordingly.

As amended, 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 Tupa, 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: **HB01S2-1019** as amended, **HB01S2-1006** as amended.

Senate in Recess--Senate Reconvened

INTRODUCTION OF BILLS--FIRST READING

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

SB01S2-023 by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning reductions in the funding of capital projects for purposes of addressing the anticipated revenue shortfall for the 2001-2002 fiscal year.
Appropriations

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

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Appropriations

After consideration on the merits, the committee recommends that **SB01S2-023** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 10 and 11 and substitute, "THE CONTROLLER SHALL TRANSFER TWO HUNDRED TWENTY MILLION SIX HUNDRED SIXTY-NINE THOUSAND TWO HUNDRED SIXTY DOLLARS FROM THE CAPITAL".

MESSAGE FROM THE HOUSE

October 4, 2001

Mr. President:

The House has postponed indefinitely SJR01S2-002 and SJR01S2-007. The resolutions are returned herewith.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S2-023** was made Special Orders at 7:50 p.m.

Committee of the Whole

The hour of 7:50 p.m. having arrived, Senator Tupa moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Tupa 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB01S2-023

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning reductions in the funding of capital projects for purposes of addressing the anticipated revenue shortfall for the 2001-2002 fiscal year.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, October 4, 2001, page 79.)

Amendment No. 2 (J.003), by Senator Reeves.

Amend printed bill, page 4, strike lines 10 and 11 and substitute "THE CONTROLLER SHALL TRANSFER TWO HUNDRED TWENTY-FOUR MILLION SIX HUNDRED SIXTY-NINE THOUSAND TWO HUNDRED SIXTY DOLLARS FROM THE CAPITAL".

Page 54, line 7, in the ITEM & SUBTOTAL column, strike "9,031,630" and substitute "~~9,031,630~~" and, in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "9,031,630" and substitute "~~9,031,630~~";

after line 7, in the ITEM & SUBTOTAL column, insert "5,031,630" and, in the CAPITAL CONSTRUCTION FUND EXEMPT column, insert "5,031,630".

Adjust affected totals accordingly.

PURPOSE: Department of Higher Education, University of Colorado at Colorado Springs, Main and Cragmor Halls, Renovation and Technology Upgrade, Phase 3 of 3 -- Reduces the appropriation for Main and Cragmor Halls by \$4.0 million and increases the amount transferred from the Capital Construction Fund to the General Fund by a like amount.

C.C.F. -0-	C.C.F.E. \$4,000,000	C.F. -0-
C.F.E. -0-	F.F. -0-	F.T.E. -0-

Amendment No. 3(J.004), by Senators Entz and Thiebaut.

Amend printed bill, page 4, strike lines 10 and 11 and substitute "THE CONTROLLER SHALL TRANSFER TWO HUNDRED TWENTY MILLION TWO HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED SIXTY DOLLARS FROM THE CAPITAL".

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SB01S2-023

Page 80, strike lines 10 through 16 and substitute the following:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND EXEMPT	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$
"Cumbres and Toltec Scenic Railroad Commission, Locomotive Boilers	560,000	280,000	280,000	
Cumbres and Toltec Scenic Railroad Commission, Railroad Track Upgrades	1,000,000	100,000	100,000	800,000".

Adjust affected totals accordingly.

As amended, 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 Tupa, 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:**SB01S2-023** as amended.

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 Thursday, October 4, 2001, was laid over until Friday, October 5, 2001, retaining its place on the calendar.

Third Reading of Bills--Final Passage--**HB01S2-1010, SB01S2-021.**
General Orders--Second Reading of Bills: **SB01S2-007, SB01S2-014.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Friday, October 5, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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