

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

Sixth Legislative Day

Tuesday, September 25, 2001

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

Roll Call Present--Total, 33.
Absent/Excused--Reeves, Tupa--Total 2.
Present later--Reeves, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Monday, September 24 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SJR01S2-005, SR01S2-002.

Correctly reengrossed: SB01S2-008.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01S2-009** be referred favorably to the Committee of the Whole.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01S2-001** be referred favorably to the Committee of the Whole.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01S2-005** be referred favorably to the Committee of the Whole.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01S2-006** be postponed indefinitely.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01S2-018** be postponed indefinitely.

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Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01S2-013** be postponed indefinitely.

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Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01S2-017** be postponed indefinitely.

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Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SJR01S2-002** be referred favorably to the Committee on Appropriations.

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Appropriations

After consideration on the merits, the committee recommends that **SB01S2-012** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend printed bill, page 2, after line 1, insert the following:

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"SECTION 1. 24-75-1103 (3), Colorado Revised Statutes, is amended to read:

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24-75-1103. Policy on use of tobacco settlement funds. (3) The majority of the moneys received by the state from the master settlement agreement shall be dedicated to improving the health of the citizens of Colorado, including tobacco use prevention, education, and cessation programs and related health programs. ~~Such moneys are intended to supplement any moneys appropriated to health-related programs established prior to May 18, 2000.~~

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SECTION 2. 24-75-1104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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24-75-1104. Use of settlement moneys - programs. (1) For the 2000-01 fiscal year and for each fiscal year thereafter, the following programs shall receive appropriations in the specified amounts from the settlement moneys annually received by the state:

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(h) THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM CREATED IN SECTION 26-4-532, C.R.S., SHALL RECEIVE FIFTY-EIGHT THOUSAND SEVEN HUNDRED AND FORTY-SIX DOLLARS FOR FISCAL YEAR 2001-02, AND SHALL RECEIVE SIX HUNDRED NINE THOUSAND AND TWENTY-FOUR DOLLARS FOR FISCAL YEAR 2002-03.

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SECTION 3. 24-75-1104 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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(2) The general assembly shall appropriate the amounts specified in subsection (1) of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. Any amount of unencumbered settlement moneys remaining in the fund of any program specified in subsection (1) of this section at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5; except that unencumbered settlement moneys shall not be transferred from the following funds:

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(e) THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM CREATED IN SECTION 26-4-532, C.R.S."

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Renumber succeeding sections accordingly.

SB01S2-012

Page 6, after line 21, insert the following:

"(b) FOR THE FISCAL YEARS 2001-02 AND 2002-03, THE FUND SHALL BE CREDITED WITH TOBACCO SETTLEMENT MONEYS PURSUANT TO SECTION 24-75-1104 (2), C.R.S.";

strike line 22 and substitute the following:

"(c) BEGINNING WITH THE FISCAL YEAR 2003-04 AND FOR EACH".

Page 7, line 10, strike "any moneys in the" and substitute "tobacco settlement moneys received by the state, not otherwise appropriated,";

line 11, strike "general fund not otherwise appropriated,";

line 14, strike "_____ dollars (\$ _____)," and substitute "fifty-eight thousand seven hundred forty-six dollars (\$58,746),";

line 16, after "(2)", insert "(a)";

line 20, strike "_____ dollars (\$ _____)," and substitute "fifty-eight thousand seven hundred forty-six dollars (\$58,746),";

line 21, strike "act. In" and substitute the following:

"act, for expenses incurred as follows:

(I) Twelve thousand dollars (\$12,000) for systems costs in the executive director's office; and

(II) Forty-six thousand seven hundred forty-six dollars (\$46,746) and 0.5 FTE for administrative costs in medical programs administration.";

strike line 22, and substitute the following:

"(b) In addition to said appropriation, the general assembly anticipates that, for";

line 24, strike "_____ dollars (\$ _____)" and substitute "one hundred three thousand three hundred eighty-six dollars (\$103,386)".

Page 8, after line 1, insert the following:

"(3) In addition to any other appropriation, there is hereby appropriated, to the department of human services, office of information technology services, client-oriented information network, for the fiscal year beginning July 1, 2001, the sum of twenty-four thousand dollars (\$24,000), or so much thereof as may be necessary for the implementation of this act. Said sum shall be from cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (2) of this section.".

Appropriations

After consideration on the merits, the committee recommends that **SB01S2-006** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 11, strike lines 21 through 27 and substitute the following:

"(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mineral and energy resources conservation fund created in Section 34-60-205, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for grants awarded pursuant to Section 34-60-204, Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of four million nine hundred seventy-five thousand one hundred thirty-six dollars (\$4,975,136), or so much thereof as may be necessary, for the implementation of this act.

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SB01S2-006

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mineral and energy resources conservation fund created in Section 34-60-205, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for administrative costs associated with the mineral and energy conservation fund grant program, for the fiscal year beginning July 1, 2002, the sum of twenty-four thousand eight hundred sixty-four dollars (\$24,864) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act."

Page 12, strike lines 1 through 13.

INTRODUCTION OF BILLS--FIRST READING

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

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.
Business, Labor, and Finance

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

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.
Public Policy and Planning

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SCR01S2-001** be referred favorably to the Committee on Appropriations.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB01S2-010** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 17, insert the following:

"SECTION 3. 29-4-502 (4) and (5), Colorado Revised Statutes, are amended to read:

29-4-502. Definitions. As used in this part 5, unless the context otherwise requires:

(4) "Federal government" means the United States, ~~the public housing administration, the U.S. housing authority and any~~ THE FEDERAL EMERGENCY ADMINISTRATOR OF PUBLIC WORKS, OR ANY other agency or instrumentality, corporate or otherwise, of the United States.

(5) "Project" means all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, COMMERCIAL FACILITIES, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking, to demolish, clear, remove, alter, or repair unsanitary or unsafe housing or to provide dwelling accommodations ~~at rentals~~ ON FINANCIAL TERMS within the means of persons of low income. The term "project" ~~may also be applied~~ ALSO APPLIES to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

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SB01S2-010

THE TERM "PROJECT" ALSO APPLIES TO THE PROVISION OF DWELLING ACCOMMODATIONS TO PERSONS, WITHOUT REGARD TO INCOME, AS LONG AS THE PROJECT SUBSTANTIALLY BENEFITS PERSONS OF LOW INCOME AS DETERMINED BY AN AUTHORITY. "

Renumber succeeding sections accordingly.

Page 3, after line 23, insert the following:

"AND SPECIAL ASSESSMENTS ON THE SAME BASIS AND SUBJECT TO THE SAME CONDITIONS AS PROVIDED FOR CITY HOUSING AUTHORITIES IN SECTIONS 29-4-226 AND 29-4-227.";

line 24, strike "~~In lieu~~" and substitute "In lieu";

strike lines 25 through 27 and substitute the following:

"of taxes on its property, the authority may agree to make such annual payments to the taxing bodies in which the projects are situated as it finds consistent with the maintenance of the low rent character of the projects".

Page 4, strike lines 1 through 4 and substitute the following:

"or the achievement of the purposes of this part 5.";

after line 21, insert the following:

"SECTION 6. Applicability. Section 3 shall apply to taxes levied on or after January 1, 2001, and to special assessments levied on or after the effective date of this act."

Renumber succeeding section accordingly.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01S2-011** be postponed indefinitely.

Public Policy
and Planning

After consideration on the merits, the committee recommends that **SB01S2-004** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, line 9, strike "UTILITIES, AND" AND SUBSTITUTE "UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND".

Page 8, after line 11, insert the following:

"(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."

Page 13, line 22, strike "UTILITIES, AND" AND SUBSTITUTE "UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND".

Page 14, after line 23, insert the following:

"(VI) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE MUNICIPALITY, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, ANY COUNTY IN WHICH ANY PORTION OF THE MUNICIPALITY IS LOCATED, AND THE OFFICE OF EMERGENCY

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SB01S2-004

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."

Page 18, line 10, after "HEALTH," insert "WELFARE,".

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S2-010, SB01S2-012, SB01S2-009, SB01S2-005, SB01S2-001, SB01S2-006, SB01S2-004** were made Special Orders at 9:25 a.m.

Committee of the Whole

The hour of 9:25 a.m. having arrived, Senator Gordon moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Gordon 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:

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

Laid over until the next Special Orders calendar, retaining its place on the calendar.

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.

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.

Laid over until the next Special Orders calendar.

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, September 25, pages 21-22.)

Amendment No. 2(L.001), by Senator Evans.

Amend printed bill, page 5, line 17, after the period, insert the following:

"THE EXECUTIVE DIRECTOR MAY ALSO AWARD GRANT MONEYS OUT OF THE FUND FOR DIRECTIONAL DRILLING TO MINIMIZE THE IMPACT OF DRILLING ON THE SURFACE OF THE LAND."

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

SB01S2-004 by Senator Perlmutter--Mandatory Master Planning.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, September 25, pages 23-24.)

Amendment No. 2(L.004), by Senator Hagedorn.

Amend printed bill, page 8, after line 11, insert the following:

"(f) 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,

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SB01S2-004

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."

Page 14, after line 23, insert the following:

"(VI) ARECREATIONAL 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."

Amendment No. 3(L.005), by Senator Perlmutter.

Amend printed bill, page 8, line 11, after the period, add the following:

"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."

Page 14, line 23, after the period, add the following:

"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."

As amended, laid over until the next Special Orders calendar.

SB01S2-012

by Senator Reeves; also Representative Berry--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, September 24, pages 16-17.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, September 25, page 20-21.)

Amendment No. 3(L.016), by Senator Evans.

Amend printed bill, page 5, line 7, strike "AN APPLICATION FOR" and substitute "A SIMPLIFIED APPLICATION FOR MEDICAL ASSISTANCE DEVELOPED BY THE STATE DEPARTMENT AND APPROVED BY THE CENTERS FOR MEDICAID AND MEDICARE SERVICES";

line 8, strike "MEDICAL ASSISTANCE".

Amendment No. 4(L.013), by Senator Reeves.

Amend the Appropriations Committee Report, dated September 24, 2001, page 2, line 17, strike "PROGRAM" and substitute "FUND".

Amendment No. 5(L.017), by Senator Reeves.

Amend Appropriations Committee Report, dated September 24, 2001, page 1, strike lines 2 through 11, and substitute the following:

"SECTION 1. 24-75-1104 (1), Colorado Revised Statutes, is".

Amendment No. 6(L.015), by Senator Reeves.

Amend printed bill, page 6, line 24, after "ASSEMBLY", insert "FROM THE GENERAL FUND".

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SB01S2-012 Amendment No. 7(L.014), by Senator Reeves.

Amend printed bill, page 2, after line 1, insert the following:

"SECTION 1. 24-22-115.5 (2), Colorado Revised Statutes, is amended to read:

24-22-115.5. Legislative declaration - tobacco litigation settlement trust fund - creation. (2) (a) There is hereby created in the state treasury the tobacco litigation settlement trust fund. The principal of the trust fund shall consist of the first thirty-three million dollars of all moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the terms of the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver, not less than twenty-one percent of all additional moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the settlement agreements and the consent decree, and any moneys transferred to the trust fund from the tobacco litigation settlement cash fund at the end of any fiscal year pursuant to section 24-22-115. The principal of the trust fund shall not be expended or appropriated for any purpose. All interest derived from the deposit and investment of moneys in the trust fund shall be credited to the trust fund. Such interest shall become subject to appropriation by the general assembly for the funding of any programs or funds authorized by law to be funded by tobacco litigation settlement moneys at such time as the state auditor certifies that actuarially sound projections of future interest earnings indicate that such interest will be sufficient to fully fund such programs and funds. No part of such trust fund, principal or interest, shall be transferred to the general fund or any other fund or used or appropriated except as provided in this section.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), FIFTY-EIGHT THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS SHALL BE TRANSFERRED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED IN SECTION 26-4-532, C.R.S."

Renumber succeeding sections accordingly.

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

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 Special Orders--Second Reading of Bills calendar (**SB01S2-001**), was laid over until the next Special Orders calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB01S2-012 by Senator Reeves; also Representative Berry--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

Senator Evans moved to amend the Report of the Committee of the Whole to show that the following Evans floor amendment, (L.008) to SB 01S2-012, did pass.

Amend printed bill, page 7, strike lines 4 through 8 and substitute the following:

"LONGER AVAILABLE TO THE FUND, IN WHICH CASE THIS SECTION IS REPEALED ON SUCH DATE THAT THE FEDERAL MONEYS ARE NO LONGER AVAILABLE, AND THE STATE SHALL BE UNDER NO OBLIGATION TO CONTINUE TO FUND THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM."

The amendment was declared **lost** by the following roll call vote:

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SB01S2-012

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer, F.	N	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	N	Reeves	N		

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: **SB01S2-009**, **SB01S2-006** as amended, **SB01S2-012** as amended.

Laid over until the next Special Orders calendar: **SB01S2-010**, **SB01S2-005**, **SB01S2-004** as amended, **SB01S2-001**.

Senate in Recess--Senate Reconvened.

SENATE SERVICES REPORT

Senate Services

Correctly enrolled: SB 01S2-008.

MESSAGE FROM THE HOUSE

September 25, 2001

Mr. President:

The House has adopted and transmits herewith HJR01S2-1004, as printed in House Journal, September 25.

The House has adopted and transmits herewith HJR01S2-1005, as printed in House Journal, September 25.

The House has adopted and transmits herewith SJR01S2-005, as printed in House Journal, September 25.

September 25, 2001

Mr. President:

The House has passed on Third Reading and returns herewith SB01S2-008.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S2-003** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 2, strike "2001," and substitute "2002,".

Page 8, strike lines 12 and 13 and substitute the following:

"(V) A UTILITY FACILITIES ELEMENT DESIGNED TO PROVIDE ADEQUATE AND RELIABLE UTILITY SERVICE TO THE REGION AND THE MEMBER GOVERNMENTS. IN ADDRESSING THE UTILITY FACILITIES ELEMENT, THE REGION

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SB01S2-003

AND ANY OF ITS MEMBER GOVERNMENTS MAY RELY UPON INFORMATION PROVIDED BY THE OWNERS OF UTILITY FACILITIES IN THE REGION; AND

(VI) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE REGION, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, MEMBER GOVERNMENTS, 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 THE RESIDENTS OF THE REGION IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS SUBPARAGRAPH (VI), "DISASTER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S."

Page 9, strike lines 23 and 24 and substitute the following:

"PLAN AT LEAST ONCE EVERY FIVE YEARS; EXCEPT THAT THE REGIONAL PLAN MAY".

Page 10, line 1, after "BY", insert "AT LEAST TWO-THIRDS OF THE MUNICIPALITIES WITHIN THE REGION, AT LEAST TWO-THIRDS OF THE COUNTIES WITHIN THE REGION, AND";

line 3, strike "REGION." and substitute "REGION, WHICH POPULATION SHALL BE DETERMINED BY THE DEPARTMENT. "

Page 12, line 1, after "FUTURE", insert "REGIONAL";

line 9, after "DETERMINING", insert "REGIONAL";

line 15, after "OF", insert "REGIONAL".

Page 13, line 5, after "C.R.S.", add "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO HAVE ANY EFFECT UPON ANY INTERGOVERNMENTAL AGREEMENT IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ACT."

INTRODUCTION OF BILLS--FIRST READING

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

SB01S2-021 by Senator Tate--Concerning the congressional redistricting of Colorado. Public Policy and Planning

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

The following resolutions were read by title:

HJR01S2-1004 by Representatives Spradley, Dean and Grossman; also Senators Thiebaut, Matsunaka and Andrews--Concerning suspending the normal per diem expense allowance for members of the General Assembly with specified exceptions.

Senator Thiebaut moved to suspend Senate Rule 30(e) for immediate consideration of **HJR01S2-1004**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, the Resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	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	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer, F.	Y	Hillman	Y	Pascoe	E	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HJR01S2-1005 by Representatives Spradley, Dean and Grossman; also Senators Thiebaut, Matsunaka and Andrews--Concerning adjournment of the Second Extraordinary Session of the Sixty-third General Assembly to a day certain.

Senator Thiebaut moved to suspend Senate Rule 30(e) for immediate consideration of **HJR01S2-1005**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, the Resolution was **adopted** by the following roll call vote:

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	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer, F.	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S2-010, SB01S2-003, SB01S2-005, SB01S2-004, SB01S2-001** were made Special Orders at 2:20 p.m.

Committee of the Whole

The hour of 2:20 p.m. having arrived, Senator Gordon moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Gordon 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:

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

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, September 25, pages 22-23.)

Amendment No. 2(L.005), by Senator Tate.

Amend printed bill, page 3, after line 17, insert the following:

"**SECTION 3.** 29-1-204.5 (1) (a) and (3) (a), Colorado Revised Statutes, are amended to read:

29-1-204.5. Establishment of multijurisdictional housing authorities. (1) Any combination of home rule or statutory cities, towns, counties, and cities and counties of this state may, by contract with each other, establish a separate governmental entity to be known as a multijurisdictional housing authority, referred to in this section as an "authority". Such an authority may be used by such contracting member governments to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan:

(a) To provide dwelling accommodations ~~at rental prices or purchase prices~~ ON FINANCIAL TERMS within the means of families of low or moderate income; and

(3) The general powers of such authority shall include the following powers:

(a) To plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate housing projects and programs pursuant

SB01S2-010

to a multijurisdictional plan ON FINANCIAL TERMS within the means of families of low or moderate income;".

Renumber succeeding sections accordingly.

Amendment No. 3(L.006), by Senator Tate.

Amend printed bill, page 3, after line 17, insert the following:

"**SECTION 3.** 29-1-204.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-1-204.5. Establishment of multijurisdictional housing authorities. (10) THE AUTHORITY AND THE PROPERTY OF THE AUTHORITY SHALL BE EXEMPT FROM ALL TAXES AND SPECIAL ASSESSMENTS ON THE SAME BASIS AND SUBJECT TO THE SAME CONDITIONS AS PROVIDED FOR CITY HOUSING AUTHORITIES IN SECTIONS 29-4-226 AND 29-4-227."

Renumber succeeding sections accordingly.

As amended, declared **lost** on Second Reading.

(For further action, see Roll Call on **SB01S2-010**.)

SB01S2-004

by Senator Perlmutter--Concerning the procedures for mandatory master planning by certain local governments.

Amendment No. 1(L.006), by Senator Perlmutter.

Amend printed bill, page 3, strike line 15 and substitute the following:

"**30-28-106. Adoption of master plan - contents - notice.** (1) (a) NO LATER";

strike lines 24 through 27 and substitute the following:

"MODIFY, OR REJECT THE PLAN. ~~When a county planning commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the~~".

Page 4, strike lines 1 through 6 and substitute the following:

~~"county in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan.~~

(b) AT THE COMMENCEMENT OF ANY PROCEEDING TO CREATE A MASTER PLAN AS REQUIRED BY THIS SECTION, OR TO AMEND A PREEXISTING MASTER PLAN TO COMPLY WITH THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY ADOPTING OR AMENDING SAID PLAN SHALL SEND BY REGULAR MAIL TO EACH LANDOWNER, AT THE LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE LANDOWNER OF THE COMMENCEMENT OF THE PROCEEDINGS. SAID BOARD SHALL ALSO PUBLISH GENERAL PUBLIC NOTICE IN THE COUNTY IN A MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC THAT THE PROCEEDINGS ARE COMMENCING AND OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING. SUCH MAILED NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY SAID BOARD TO THE LANDOWNER OR MAY BE COORDINATED WITH ANY OTHER BOARD REGULARLY PROVIDING MAILED NOTICES SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC MEETINGS THEREAFTER, AND FOR ANY AMENDMENTS OR UPDATES TO THE MASTER PLAN, GENERAL PUBLIC NOTICE SHALL BE PUBLISHED IN THE COUNTY IN ANY MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE PROCEEDINGS, INCLUDING THE TIME AND PLACE OF ANY PUBLIC HEARINGS. IN ADDITION, FOR ANY PROPOSED AMENDMENT TO THE MASTER PLAN OR ANY ACTION AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE SHALL BE PROVIDED TO THOSE PERSONS WHO WOULD

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SB01S2-004

BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE LAND USE REGULATIONS OF THE COUNTY.

(c) ANY COUNTY, MUNICIPALITY, OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK AND RECORDER OF EACH SUCH COUNTY. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE COUNTY TO PROVIDE ADVANCE NOTICE SHALL NOT NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF THIS SUBSECTION (1).

(d) IN ORDER TO ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF THE COUNTY'S MASTER PLAN, PRIOR TO FINAL ADOPTION OF EITHER A MASTER PLAN OR PROPOSED AMENDMENTS TO THE MASTER PLAN, THE PLANNING COMMISSION SHALL CONDUCT A MINIMUM OF TWO PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (1). THE COMMISSION SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN.";

strike line 7 and substitute the following:

"(e) THE COUNTY SHALL PROVIDE TO THE CLERK FOR EACH MUNICIPALITY".

Page 5, strike lines 6 through 14 and substitute the following:

~~"to adopt ADOPTS OR AMENDS a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the region in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan~~ NOTICE OF THE PROCEEDINGS SHALL BE AS PROVIDED IN PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS SECTION."

Page 9, line 16, after "PLAN.", insert "IN CONNECTION WITH THE ADOPTION OR AMENDMENT OF THE COUNTY'S LAND USE REGULATIONS AS MAY BE REQUIRED BY THIS SUBSECTION (5) AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE OF PROCEEDINGS FOR SAID ADOPTION OR AMENDMENT SHALL BE PROVIDED TO ANY PERSON WHO WOULD BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE LAND USE REGULATIONS OF THE COUNTY. "

Page 10, line 19, strike "When a" and substitute "When a";

strike lines 20 through 27 and substitute the following:

~~"commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and"~~

Page 11, strike line 1 and substitute the following:

~~"when public comments throughout the process of developing the plan:~~

SB01S2-004

(b) AT THE COMMENCEMENT OF ANY PROCEEDING TO CREATE A MASTER PLAN AS REQUIRED BY THIS SECTION, OR TO AMEND A PREEXISTING MASTER PLAN TO COMPLY WITH THIS SECTION, THE GOVERNING BODY OF THE MUNICIPALITY ADOPTING OR AMENDING SAID PLAN SHALL SEND BY REGULAR MAIL TO EACH LANDOWNER, AT THE LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE LANDOWNER OF THE COMMENCEMENT OF THE PROCEEDINGS. SAID BODY SHALL ALSO PUBLISH GENERAL PUBLIC NOTICE IN THE MUNICIPALITY IN A MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC THAT THE PROCEEDINGS ARE COMMENCING AND OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING. SUCH MAILED NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY SAID BODY TO THE LANDOWNER OR MAY BE COORDINATED WITH ANY OTHER BOARD REGULARLY PROVIDING MAILED NOTICES SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC MEETINGS THEREAFTER, AND FOR ANY AMENDMENTS OR UPDATES TO THE MASTER PLAN, GENERAL PUBLIC NOTICE SHALL BE PUBLISHED IN THE MUNICIPALITY IN ANY MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE PROCEEDINGS, INCLUDING THE TIME AND PLACE OF ANY PUBLIC HEARINGS. IN ADDITION, FOR ANY PROPOSED AMENDMENT TO THE MASTER PLAN OR ANY ACTION AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE SHALL BE PROVIDED TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE LAND USE REGULATIONS OF THE MUNICIPALITY.

(c) ANY COUNTY, MUNICIPALITY, OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING COMMISSION OR GOVERNING BODY OF A MUNICIPALITY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK OF EACH SUCH MUNICIPALITY. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE MUNICIPALITY TO PROVIDE ADVANCE NOTICE SHALL NOT NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF THIS SUBSECTION (1).

(d) IN ORDER TO ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF THE MUNICIPALITY'S MASTER PLAN, PRIOR TO FINAL ADOPTION OF EITHER A MASTER PLAN OR PROPOSED AMENDMENTS TO THE MASTER PLAN, THE COMMISSION SHALL CONDUCT A MINIMUM OF TWO PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (1). THE COMMISSION SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN.";

strike line 2 and substitute the following:

"(e) THE MUNICIPALITY SHALL PROVIDE TO THE CLERK FOR EACH";

line 25, strike "(b)" and substitute "(f)".

Page 14, line 24, strike "(c)" and substitute "(g)".

Page 16, line 16, strike "(c);" and substitute "(g);".

Page 18, line 20, after "PLAN.", insert the following:

"IN CONNECTION WITH THE ADOPTION OR AMENDMENT OF THE MUNICIPALITY'S LAND USE REGULATIONS AS MAY BE REQUIRED BY THIS SUBSECTION (5) AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE OF PROCEEDINGS FOR SAID ADOPTION OR AMENDMENT SHALL BE PROVIDED TO ANY PERSON WHO WOULD BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE LAND USE REGULATIONS OF THE COUNTY."

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SB01S2-004 As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB01S2-001 by Senator Matsunaka--Concerning the authority of local governments to provide incentives to encourage smart growth.

Amendment No. 1(L.006), by Senator Hagedorn.

Amend printed bill, page 3, after line 4, insert the following:

"(D) THE DESIGNATION OF ENTERPRISE ZONE STATUS, TRANSPORTATION PROJECTS, OR OTHER TAX OR FINANCIAL INCENTIVES."

Amendment No. 2(L.007), by Senator Takis.

Amend printed bill, page 3, line 10, strike "SPACE, AREAS OF" and substitute "SPACE;"

strike lines 11 and 12.

As amended, 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.

Laid over until Monday, October 1, retaining its place on the General Orders calendar.

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

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, September 25, pages 27-28.)

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

Amend the Public Policy and Planning Committee Report, dated September 24, 2001, page 1, line 8, strike "AND";

line 16, strike "C.R.S." and substitute "C.R.S.; AND";

after line 16, insert the following:

"(VII) A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE COMMISSION SHALL INDICATE HOW THE REGION INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE REGION AND VISITORS TO THE REGION 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."

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

ROLL CALL ON SB01S2-010

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

Senator Tate requested a roll call vote on **SB01S2-010**.

YES	18	NO	15	EXCUSED	1	ABSENT	1
Anderson	A	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	E
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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: **SB01S2-004** as amended, **SB01S2-001** as amended, **SB01S2-003** as amended, **SB01S2-010** as amended.
Laid over until Monday, October 1, 2001: **SB01S2-005**.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Agriculture
and Natural
Resources

The Committee returns herewith SB01S2-019 because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the second extraordinary session. Therefore, under Senate Rule 22 (f), said resolution is deemed to be postponed indefinitely.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB01S2-008.

SENATE SERVICES REPORT

Senate
Services

To the Governor for signature on Tuesday, September 25th, 2001 at 1:47 pm: SB01S2-008.

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 Tuesday, September 25, was laid over until Monday, October 1, 2001, retaining its place on the calendar.

Journal Correction:

SJ page 16, line 63: Delete: Judiciary. Insert: Heath, Environment, Children and Families.

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, October 1, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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