

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

Forty-third Legislative Day

Wednesday, February 20, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Tuesday, February 19, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Children and Families The committee returns herewith SB02-137 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1235, 1231, 1223, 1211, and 1279.
Without comment, as amended, HB02-1280, 1245, 1316, 1217, and 1219, and SB02-072.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-168 by Senator Thiebaut--Concerning the revision of antiquated statutes concerning the death of a human being.
Judiciary

HB02-1002 by Representative Scott Coleman, Vigil, and Williams T; also Senator Anderson Takis, Taylor, and Tupa--Concerning an extension of the time during which transactions involving public school fund investments are assessed to determine whether losses can be offset by corresponding gains.
Public Policy and Planning
Appropriations

HB02-1034 by Representative Veiga; also Senator Anderson--Concerning fees in connection with restraining orders.
Judiciary

HB02-1036 by Representative Plant; also Senator Phillips--Concerning state contributions to volunteer firefighter pension plans.
Government, Veterans and Military Relations, and Transportation

HB02-1059 by Representative Marshall; also Senator Teck--Concerning modifications to the state income tax credit available to Colorado taxpayers who make monetary contributions to a specified higher education institute, and, in connection therewith, clarifying the amount of the credit that may be claimed, requiring submission of certain documentation when claiming the credit, delaying the applicability of the credit for one year, and correcting the name of the institute to which contributions are to be made in order to qualify for the credit.
Business, Labor, and Finance

HB02-1087	by Representative Johnson; also Senator Taylor--Concerning the provision of temporary veterinary services at racing operations. Agriculture and Natural Resources	1 2 3 4
HB02-1104	by Representative Veiga; also Senator Anderson--Concerning outpatient treatment certification under specified conditions to provide continued treatment for previously certified persons. Health, Environment, Children & Families	5 6 7 8 9
HB02-1123	by Representative Swenson; also Senator Teck--Concerning procedures for electing members of the board of county commissioners by district in counties where the membership of the board of county commissioners is three. Government, Veterans and Military Relations, and Transportation Public Policy and Planning	10 11 12 13 14 15
HB02-1158	by Representative Crane; also Senator McElhany--Concerning the right of the life and health insurance protection association to elect to succeed to the reinsurance contracts of an insolvent member insurer. Business, Labor, and Finance	16 17 18 19 20
HB02-1162	by Representative Cloer; also Senator Epps--Concerning the prohibition against imposing additional charges on winners of sweepstakes who must respond to the sponsor of the sweepstake to claim the prize. Business, Labor, and Finance	21 22 23 24 25
HB02-1168	by Representative Williams S.; also Senator Epps--Concerning the availability of a notation indicating adoption when a new birth certificate is issued. Judiciary	26 27 28 29
HB02-1171	by Representative Spradley; also Senator Phillips--Concerning the designation of enterprise status for the canteen fund for the inmates of state correctional facilities. Judiciary	30 31 32 33
HB02-1185	by Representative Romanoff; also Senator Anderson--Concerning the Colorado preschool program. Education	34 35 36 37
HB02-1206	by Representative Plant; also Senator Owen--Concerning eligibility periods for the children's basic health plan. Health, Environment, Children & Families	38 39 40 41
HB02-1210	by Representative Spradley; also Senator Musgrave--Concerning requirements for disabled persons to obtain special license plates, and, in connection therewith, allowing such persons to apply for such license plates for a motor vehicle owned by a trust set up for the person with a disability. Government, Veterans and Military Relations, and Transportation	42 43 44 45 46 47
HB02-1230	by Representative Stafford; also Senator Phillips--Concerning continuation of the state board of optometric examiners. Business, Labor, and Finance	48 49 50 51
HB02-1232	by Representative Witwer; also Senator Hanna--Concerning an increase in the amounts of fees relating to inspection of machines that are sources of ionizing radiation. Health, Environment, Children & Families	52 53 54 55
HB02-1246	by Representative King; also Senator Windels--Concerning the creation of the eligible facilities education task force. Education	56 57 58 59
HB02-1282	by Representative Berry; also Senator Teck--Concerning modifications to the home- and community-based services program for persons with brain injury. Health, Environment, Children & Families	60 61 62 63
HB02-1308	by Representative Hefley; also Senator Hernandez--Concerning administration of the provision of youth services. Health, Environment, Children & Families	64 65 66 67 68 69 70 71 72

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR02-1016 by Representative Dean; also Senator Perlmutter--Concerning the 200th anniversary of the United States Military Academy.

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

THIRD READING--FINAL PASSAGE OF BILLS-- CONSENT CALENDAR

SB02-100 by Senator Thiebaut; also Representative Tapia--Concerning the interment of deceased veterans.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	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	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-117 by Senator Taylor; also Representative Vigil--Concerning the control of destructive rodent pests by governmental entities.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	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	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-159 by Senator Evans; also Representative Plant--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	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	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

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:

SB02-064 by Senator Teck; also Representative Lee--Concerning employees n public schools, and, in connection, therewith, allowing revocation of teacher licenses for failure to meet licensure standards and requiring schools districts to adopt a communications policy for resolving issues between parents and teachers.

Laid over until Thursday, February 21, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar (**SB02-146**) of Wednesday, February 20, was laid over until Monday, February 25, retaining its place on the calendar.

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB02-008 by Senator Anderson; also Representative White--Concerning a limitation on the amount of an appeal bond that may be required of a party to a tobacco settlement.

On motion of Senator Anderson, **SB02-008** was laid on the table.

SB02-015 by Senator Arnold; also Representative Larson--Concerning the enforcement of the offense of failure to wear a motor vehicle safety belt.

Amendment No. 1(L.001), by Senator Tate.

Amend printed bill, page 1, line 2, strike "**Repeal.**".

Page 2, strike line 1 and substitute the following:

"is amended to read:";

line 6, after the period, add "THE FAILURE OF A DRIVER OF OR A PASSENGER IN A MOTOR VEHICLE TO WEAR A FASTENED SAFETY BELT SHALL NOT CONSTITUTE PROBABLE CAUSE FOR A LAW ENFORCEMENT OFFICER TO ARREST SUCH DRIVER OR PASSENGER OR TO CONDUCT A SEARCH OF THE MOTOR VEHICLE, ITS CONTENTS, THE DRIVER, OR ANY PASSENGER."

Declared **lost** on Second Reading.

SB02-086 by Senator Nichol; also Representative Grossman--Concerning neighborhood notification of transportation construction projects.

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

(Printed in Senate Journal, February 8, page 187-188 and placed in members' bill file.)

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

SB02-141 by Senator Perlmutter; also Representative Williams T.--Concerning the determination of royalty payments from oil and gas leases.

(Amended in General Orders as printed in Senate Journal, February 15, page 268.)

Amendment No. 6(L.008), by Senator Perlmutter.

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SB02-141

Strike the Perlmutter amendment, No. 5 (L.007), as printed in Senate Journal, February 15, page 268, lines 25 through 32.

Amend the Perlmutter amendment, No. 3 (L.005), as printed in Senate Journal, February 14, page 241, line 30, before "No" insert "(1)";

strike line 33, and substitute the following:

"commenced within one year from the date of the alleged violation.

"(2) ALL".

Amend printed bill, page 6, after line 1, insert the following:

"SECTION 5. 34-60-120 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

34-60-120. Application of article. (1) This article shall apply to all lands within the state of Colorado, except as follows:

(c) SECTIONS 34-60-102 (3), 34-60-103 (1.5) AND (5.5), 34-60-115 (2), AND 34-60-119 SHALL NOT APPLY AS TO LEASES ISSUED BY GOVERNMENT ENTITIES."

Renumber succeeding sections accordingly.

Amendment No. 7(L.009), by Senator Perlmutter.

Amend the Perlmutter amendment No. 3, as printed in Senate Journal, February 14, page 241, strike lines 39 and 40 and substitute the following:

"C.R.S." ". "

Amendment No. 8(L.010), by Senator Perlmutter.

Amend the Perlmutter amendment No. 3, as printed in Senate Journal, February 14, page 241, line 25, strike "9" and substitute "10".

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

SB02-073

by Senator Linkhart; also Representative Coleman--Concerning protection of Colorado homeowners against abusive home loan practices.

Laid over until Friday, February 22, retaining its place on the calendar.

SB02-089

by Senator Phillips; also Representative Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling.

Laid over until Friday, February 22, retaining its place on the calendar.

SB02-012

by Senator Hagedorn; also Representative Spradley--Concerning the definition of basic health benefit coverage.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment. (Printed in Senate Journal, January 31, page 116-120 and placed in members' bill file.)

Amendment No. 2, Public Policy and Planning Committee Amendment. (Printed in Senate Journal, February 15, page 265 and placed in members' bill file.)

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 General Orders--Second Reading of Bills calendar of Wednesday, February 12, (SB02-079, SB02-150, SB02-114, SB02-131, SB02-085, SB02-120, SB02-013, SB02-151, SB02-042, SB02-099, SB02-104, SB02-161, SB02-142, SB02-133, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-136, SB02-145, SB02-124, SB02-139, SB02-158, SB02-118, SB02-157, SB02-112, SB02-035, SB02-132, SB02-128) was laid over until later in the day, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Takis, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-086** as amended, **SB02-141** as amended, **SB02-012** as amended.

Lost on Second Reading: **SB02-015** as amended.

Laid on the Table: **SB02-008**.

Laid over until later in the day: **SB02-079, SB02-150, SB02-114, SB02-131, SB02-085, SB02-120, SB02-013, SB02-151, SB02-042, SB02-099, SB02-104, SB02-161, SB02-142, SB02-133, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-136, SB02-145, SB02-124, SB02-139, SB02-158, SB02-118, SB02-157, SB02-112, SB02-035, SB02-132, SB02-128**

Laid over until Friday, February 22: **SB02-073, SB02-089**.

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 House Amendments to Senate Bills, **SB02-072**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-072

by Senator Hernandez; also Representative Larson--Concerning the authority of the department of revenue to identify fleet motor vehicles by means of special license plates.

Senator Hernandez moved that the Senate concur in House amendments to **SB02-072**, as printed in House Journal, February 18, page 436. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	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	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-167.

Correctly engrossed: SB02-100, 117, 159.

Correctly reengrossed: SB02-54, 105, 127, 143.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SJR02-005.**

Senate in Recess--Senate Reconvened.

Committee
of the
Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB02-079 by Senator Lamborn--Concerning the enforcement of the "Fair Campaign Practices Act", article 45 of title 1, Colorado Revised Statutes.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, February 15, page 265 and placed in members' bill file.)

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

SB02-150 by Senator Pascoe--Concerning required collaboration on a regional basis among public entities in connection with transportation planning.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, February 15, page 266-267 and placed in members' bill file.)

As amended, laid over until Thursday, February 21, retaining its place on the calendar.

SB02-114 by Senator Hanna; also Representative Crane--Concerning the regulation of ski area guest child care facilities.

Laid over until Thursday, February 21, retaining its place on the calendar.

SB02-131 by Senator Linkhart--Concerning insurance coverage for additional mental disorders.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, February 15, pages 281-282 and placed in members' bill file.)

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

SB02-085 by Senator Takis; also Representative Sinclair--Concerning increasing the public's participation in decisions made by transportation authorities by providing for the public's ability to have input into such decisions.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.
(Printed in Senate Journal, February 8, page 187 and placed in members' bill file.)

Amendment No. 2(L.003), by Senator Takis.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated February 6, 2002, page 2, line 2, strike "MEETING." and substitute "MEETING.";

after line 2, insert the following:

"line 9, strike "The board, by resolution, may" and substitute "The board, by resolution, may";

strike lines 10 and 11 and substitute the following:

"~~delegate any of the powers of the board to any of the officers or agents of the board.~~ THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES";

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SB02-085

line 12, strike "OF HEARINGS" .".

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

SB02-120

by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

(Amended in General Orders as printed in Senate Journal, February 15, pages 272-273.)

Amendment No. 2(L.010), by Senator Tate.

Amend the Public Policy and Planning Committee Report, dated February 7, 2002, page 1, strike lines 1 through 3 and substitute the following:

"Amend printed bill, page 3, strike lines 10 and 11 and substitute the following:

"SECTION 2. 30-28-106 (1), (2), (3) (f), and (5), Colorado";

line 15, after "commission", insert "OF A COUNTY REQUIRED TO ADOPT A MASTER PLAN PURSUANT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION";

Page 4, strike lines 15 through 17 and substitute the following:

"(II) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY REQUIRED TO ADOPT A MASTER PLAN IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION SHALL, WITHIN TWO YEARS AFTER THE ADOPTION OF SAID PLAN, ENFORCE" .".

Page 2 of the committee report, strike lines 2 through 29 and substitute the following:

"Page 6, strike lines 6 through 27.

Strike pages 7 through 9.

Page 10, strike lines 1 through 9;

line 10, before "(f)", insert "(3)";

after line 10, insert the following:

"(5) A master plan adopted in accordance with the requirements of ~~this subsection (5)~~ SUBSECTION (4) OF THIS SECTION shall contain:

(a) 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, shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

(b) (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.

(c) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY

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SB02-120

OF WATER FOR AREAS PROPOSED FOR DEVELOPMENT WITHIN THE 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 (c) 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.

(d) 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.

(e) 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, 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.

(f) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF DEVELOPMENT. SUCH ELEMENT SHALL CONSIDER POTENTIAL IMPACTS ON AIR AND WATER QUALITY; CRITICAL AND SENSITIVE AREAS; WILDLIFE HABITATS, INCLUDING MIGRATION CORRIDORS; ENDANGERED, THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERN; AND WETLANDS AND RIPARIAN AREAS.

(g) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE COUNTY, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, ANY MUNICIPALITY OF WHICH ANY PORTION 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 (g), "DISASTER" SHALL HAVE THE SAME MEANING AS IS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.";

strike line 11 and substitute the following:

"SECTION 3. The introductory portion to 31-23-206 (1) and 31-23-206 (2), (3), and (5), Colorado Revised";

line 15, strike "(a)" and after "commission", insert "OF A MUNICIPALITY REQUIRED TO ADOPT A MASTER PLAN PURSUANT TO THE REQUIREMENTS OF

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SUBSECTION (4) OF THIS SECTION".

Page 11, strike lines 12 through 27 and substitute the following:

"municipality and outlying areas, including, but not limited to:".

Strike pages 12 through 17.

Page 18, strike lines 1 through 8;

strike lines 18 through 20 and substitute the following:

"(b) THE GOVERNING BODY OF ANY MUNICIPALITY REQUIRED TO ADOPT A MASTER PLAN IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION SHALL, WITHIN TWO YEARS AFTER THE ADOPTION OF SAID PLAN, ENFORCE THE PLAN".

Page 3 of the committee report, line 14, strike "SECTION." and substitute "SECTION.;"

after line 14, insert the following:

"after line 16, insert the following:

"(5) A master plan adopted in accordance with the requirements of ~~this subsection (5)~~ SUBSECTION (4) OF THIS SECTION shall contain:

(a) 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.

(b) (I) 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.

(II) 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.

(III) TO THE GREATEST EXTENT PRACTICABLE, IN MAKING LAND USE DECISIONS IN ACCORDANCE WITH THE ZONING PLAN, THE MUNICIPALITY MAY PROMOTE THE USE OF BUILDING MATERIALS THAT ARE DURABLE AND BENEFICIAL TO THE ENVIRONMENT.

(c) 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 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 PARAGRAPH (c) 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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(d) 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, BICYCLEWAYS, 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.

(e) 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, 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.

(f) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF DEVELOPMENT. SUCH ELEMENT SHALL CONSIDER POTENTIAL IMPACTS ON AIR AND WATER QUALITY; CRITICAL AND SENSITIVE AREAS; WILDLIFE HABITATS, INCLUDING MIGRATION CORRIDORS; ENDANGERED, THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERN; AND WETLANDS AND RIPARIAN AREAS.

(g) 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 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 (g), "DISASTER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.".

Amendment No. 2(L.016), by Senator Isgar.

Amend the Tate floor amendment, L. 010, page 4, after line 18, insert the following:

"(h) A PROPERTY RIGHTS ELEMENT PURSUANT TO WHICH THE COUNTY SHALL SHOW HOW IT INTENDS TO PROTECT THE RIGHTS OF OWNERS OF PRIVATE PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES. IN CONNECTION WITH THE DESIGNATION OF SUCH ELEMENT, THE COUNTY SHALL, WITHOUT LIMITATION, COMPENSATE ANY OWNER OF PROPERTY THE VALUE OF WHICH HAS SUFFERED ANY DIMINUTION FOLLOWING ANY REZONING OR RECLASSIFICATION OF PROPERTY ARISING FROM THE ADOPTION OR AMENDMENT OF THE COUNTY'S MASTER PLAN."

Page 7, after line 29, insert the following:

"(h) A PROPERTY RIGHTS ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL SHOW HOW IT INTENDS TO PROTECT THE RIGHTS OF OWNERS OF PRIVATE PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES. IN CONNECTION WITH THE DESIGNATION OF SUCH ELEMENT, THE MUNICIPALITY SHALL, WITHOUT LIMITATION, COMPENSATE ANY

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OWNER OF PROPERTY THE VALUE OF WHICH HAS SUFFERED ANY DIMINUTION FOLLOWING ANY REZONING OR RECLASSIFICATION OF PROPERTY ARISING FROM THE ADOPTION OR AMENDMENT OF THE

MUNICIPALITY'S MASTER PLAN."

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

(For further action, see Amendments to the Committee of the Whole Report.)

SB02-013

by Senator Isgar; also Representative Tochtrop--Concerning prompt payment of health insurance claims.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, February 14, page 232-234 and placed in members' bill file.)

Amendment No. 2(L.010), by Senator Isgar.

Amend Business, Labor, and Finance Report, dated February 11, 2002, page 1, line 9, after, "THE" insert "CLAIM FORM ADOPTED BY THE AMERICAN DENTAL ASSOCIATION IN 1999, OR ITS SUCCESSOR, FOR USE BY ALL DENTAL PROVIDERS AND CARRIERS IN THE STATE; AND THE";

line 12, after "ALL" insert "OTHER".

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

SB02-151

by Senator Takis--Concerning affordable housing projects financed through the division of housing.

Laid over until Friday, February 22, retaining its place on the calendar.

SB02-161

by Senator Perlmutter; also Representative Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

Amendment No. 1(L.001), by Senator Perlmutter.

Amend printed bill, page 10, line 25, after "VOID.", add "IN THE EVENT THAT A FORECLOSURE IS CONDUCTED BY AN ALLEGED OWNER OF THE EVIDENCE OF DEBT WHERE THE EVIDENCE OF DEBT HAS NOT BEEN PRODUCED AND IT IS SUBSEQUENTLY DETERMINED THAT THE ALLEGED OWNER WAS NOT THE TRUE AND LAWFUL OWNER OF THE EVIDENCE OF DEBT, THE SOLE REMEDY FOR THE TRUE AND LAWFUL OWNER OF THE EVIDENCE OF DEBT SHALL BE AGAINST THE INDEMNITOR AS PROVIDED IN SUBSECTION (1.6) OF THIS SECTION."

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

Amend printed bill, page 20, line 21, strike "(1) (f)," and substitute "(1),";

line 24, strike "trust or" and substitute "trust, or";

line 25, strike "mortgages" and substitute "mortgages MORTGAGE OR OTHER LIEN,".

Page 21, after line 2, insert the following:

"(a) Any general or special taxes or ditch or water assessments levied or accruing against said property AND ANY GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR ASSESSMENT AGAINST THE PROPERTY;

(b) The premiums on any insurance necessary to protect THE HOLDER'S INTEREST IN THE PROPERTY, THE PROPERTY, AND any improvements comprising a part of such property;

(c) Sums due on any prior lien or encumbrance on such property, INCLUDING THAT PORTION OF AN ASSESSMENT BY A HOMEOWNERS' ASSOCIATION THAT CONSTITUTES A PRIOR LIEN;

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(d) If the property is a leasehold or is subject to a lease, all sums due under such lease;

(e) The reasonable costs and expenses of defending, protecting, INSURING, and maintaining such property, ~~and~~ the holder's interest in such property, AND ANY IMPROVEMENTS ON SUCH PROPERTY, including repair and maintenance costs and expenses, costs and expenses of protecting and securing THE PROPERTY, THE HOLDER'S INTEREST in the property, AND ANY IMPROVEMENTS ON THE PROPERTY, receiver's fees and expenses, inspection fees, INSURANCE PREMIUMS, court costs, attorney fees, and fees and costs of ~~an~~ THE attorney in the employment of the holder of the certificate of purchase; ~~and~~

(f) THE COSTS AND EXPENSES INCURRED TO BRING THE PROPERTY AND THE IMPROVEMENTS THEREON INTO COMPLIANCE WITH THE FEDERAL, STATE, COUNTY, AND LOCAL LAWS, ORDINANCES, AND REGULATIONS AFFECTING THE PROPERTY, THE IMPROVEMENTS ON THE PROPERTY, OR THE USE OF THE PROPERTY; AND";

line 3, strike "(f)" and substitute "(g)".

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

Amend printed bill, page 15, line 27, after "DEBT", insert "IN FORECLOSING THE LIEN" and strike "SECTION" and substitute "SECTIONS 38-38-106 AND".

Amendment No. 4(L.006), by Senator Perlmutter.

Amend printed bill, page 25, strike lines 21 through 27.

Page 26, strike lines 1 through 6, and substitute the following:

"(2) (a) No lienor is entitled to redeem unless ~~his~~:

(I) SUCH LIENOR'S lien IS EITHER A MORTGAGE OR DEED OF TRUST OR IS CREATED OR RECOGNIZED BY STATE OR FEDERAL STATUTE OR BY JUDGMENT OF A COURT OF COMPETENT JURISDICTION;

(II) SUCH LIENOR'S LIEN appears by instruments duly recorded or filed as permitted by law ~~and unless~~;

(III) SUCH LIENOR HAS, within the ~~redemption period~~ TIME FOR FILING A NOTICE OF INTENT TO REDEEM provided for in section 38-38-302, ~~he files~~ FILED a notice with the public trustee or sheriff making the sale ADVISING THE PUBLIC TRUSTEE OR SHERIFF OF SUCH LIENOR'S INTENTION TO REDEEM ~~attaching~~;

(IV) SUCH LIENOR HAS ATTACHED TO THE NOTICE TO REDEEM, a true and correct copy of such recorded instruments evidencing ~~his~~ THE lien AND ANY ASSIGNMENT OF THE LIEN with evidence of recording affixed by the county clerk and recorder's office ~~and advising of his intention to redeem~~; AND

(V) SUCH LIENOR HAS ATTACHED TO THE NOTICE OF INTENT TO REDEEM AN AFFIDAVIT OF THE LIENOR, SIGNED BY THE REDEEMING LIENOR OR SUCH LIENOR'S ATTORNEY, SETTING FORTH THE AMOUNT REQUIRED TO REDEEM SUCH LIENOR'S LIEN.

(b) No lienor shall be entitled to redeem under this section unless his lien appears by an instrument so recorded or filed prior to the expiration of the period of redemption provided for in section 38-38-302."

Reletter succeeding paragraphs accordingly.

Amendment No. 5(L.007), by Senator Perlmutter.

Amend printed bill, page 17, after line 6, insert the following:

"SECTION 7. The introductory portion to 38-38-106 (2),

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Colorado Revised Statutes, is amended to read:

38-38-106. Written bid required - form of bid. (2) (a) Any

written bid submitted to the public trustee or sheriff shall be signed by such owner or by the attorney or agent for such owner and shall set forth an itemization of all amounts due under the evidence of debt and deed of trust, mortgage or other lien being foreclosed, and all costs and expenses allowable by the evidence of debt, deed of trust, mortgage, or other lien being foreclosed, ~~including appraisal fees,~~ REASONABLE attorney fees, and costs of an INCURRED BY SUCH OWNER OR THE attorney ~~in the employment of~~ FOR such owner IN ENFORCING THE OWNER'S LIEN OR IN DEFENDING, PROTECTING, AND INSURING THE OWNERS INTEREST IN THE FORECLOSED PROPERTY, THE PROPERTY, AND ANY IMPROVEMENTS LOCATED THEREON, INCLUDING, BUT NOT LIMITED TO:

(I) APPRAISAL FEES; COURT COSTS; PUBLICATION COSTS; PUBLIC TRUSTEE AND SHERIFF'S FEES; PROPERTY, CASUALTY, GENERAL LIABILITY, OR TITLE INSURANCE PREMIUMS; STATUTORY NOTICE COSTS AND POSTAGE; MAINTENANCE COSTS; RECEIVER'S FEES AND COSTS; AND SUMS DUE ON ANY PRIOR ENCUMBRANCE;

(II) IF THE PROPERTY IS SUBJECT TO A LEASEHOLD, ALL SUMS DUE UNDER SUCH LEASE;

(III) ANY GENERAL OR SPECIAL TAXES OR DITCH OR WATER ASSESSMENTS LEVIED OR ACCRUING AGAINST THE PROPERTY AND ANY GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR ASSESSMENT AGAINST THE PROPERTY; AND

(IV) ANY COSTS AND EXPENSES INCURRED TO BRING THE PROPERTY AND THE IMPROVEMENTS THEREON INTO COMPLIANCE WITH THE FEDERAL, STATE, COUNTY AND LOCAL LAWS, ORDINANCES, AND REGULATIONS AFFECTING THE PROPERTY AND THE IMPROVEMENTS THEREON OR THE USE THEREOF.

(b) Bids shall be in substantially the following form:".

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 General Orders--Second Reading of Bills Calendar (SB02-042, SB02-099, SB02-104, SB02-142, SB02-133, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-136, SB02-145, SB02-124, SB02-139, SB02-158, SB02-118, SB02-157, SB02-112, SB02-035, SB02-132, SB02-128) of Wednesday, February 20, was laid over until Thursday, February 21, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF WHOLE REPORT

SB02-120

by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Senator Tate moved to amend the Report of the Committee of the Whole to show that the following Isgar floor amendment, (L.016) and the following Tate floor amendment (L.010) to SB 02-120, did not pass and that the bill was laid over until Thursday, February 21, 2002.

The motion was declared **adopted** by a viva voce vote.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Takis, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB20-079** as amended, **SB02-131** as amended, **SB02-085** as amended, **SB02-013** as amended, **SB02-161** as amended.
 Laid over until Thursday, February 21: **SB02-150** as amended, **SB02-114**, **SB02-042**, **SB02-099**, **SB02-104**, **SB02-142**, **SB02-133**, **HB02-1007**, **HB02-1033**, **HB02-1008**, **HB02-1110**, **SB02-136**, **SB02-145**, **SB02-124**, **SB02-139**, **SB02-158**, **SB02-118**, **SB02-157**, **SB02-112**, **SB02-035**, **SB02-132**, **SB02-128**, **SB02-120** as amended.
 Laid over until Friday, February 22: **SB02-151**.

COMMITTEE OF REFERENCE REPORTS

Education The committee returns herewith SB02-111 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

Education The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed, and further recommends that the appointments be placed on the consent calendar:

BOARD OF TRUSTEES OF THE
STATE COLLEGES IN COLORADO

for terms expiring July 1, 2005:

Dale M. Mingilton of Aurora, Colorado, reappointed;

John Kivimaki of Erie, Colorado, appointed;

William Hanzlik of Englewood, Colorado, reappointed.

Education After consideration on the merits, the committee recommends that **SB02-109** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 1, before "INSTRUMENT", insert "ENTIRE";

line 4, after "ALLOWED", insert "AND IN WHAT SITUATIONS ACCOMMODATIONS SHALL BE ALLOWED";

after line 11, insert the following:

"SECTION 2. 22-24-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-24-106. Department - powers and duties - advisory commission - repeal. (3) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT AN ADVISORY COMMISSION, REFERRED TO IN THIS SUBSECTION (3) AS THE "COMMISSION", TO ASSIST THE DEPARTMENT IN PERFORMING ITS DUTIES UNDER PARAGRAPHS (a), (a.3), AND (a.7) OF SUBSECTION (1) OF THIS SECTION. MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE STATE BOARD AND SHALL CONSIST OF:

(I) ONE MEMBER WHO IS EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION AND WHO IS A PSYCHOMETRICIAN;

(II) ONE MEMBER WHO IS AN ASSESSMENT DIRECTOR FROM A SCHOOL DISTRICT THAT HAS A SIGNIFICANT PERCENTAGE OF STUDENTS FOR WHOM ENGLISH IS NOT THE DOMINANT LANGUAGE;

(III) ONE MEMBER WHO IS A CLASSROOM TEACHER WHO WORKS WITH STUDENTS FOR WHOM ENGLISH IS NOT THE DOMINANT LANGUAGE AND WHO HAS EXPERIENCE IN ADMINISTERING ASSESSMENTS TO DETERMINE IF A STUDENT'S DOMINANT LANGUAGE IS NOT ENGLISH;

(IV) AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION

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WHO HAS EXPERTISE IN EDUCATIONAL POLICIES FOR STUDENTS FOR WHOM ENGLISH IS NOT THE DOMINANT LANGUAGE; AND

(V) A PARENT WHO IS EXPERIENCED WITH ENGLISH LANGUAGE LEARNERS.

(b) MEMBERS OF THE COMMISSION SHALL NOT RECEIVE A PER DIEM AND SHALL BE REIMBURSED FOR THEIR TRAVEL EXPENSES.

(c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2004."

Renumber succeeding sections accordingly.

Page 4, line 23, strike "SUBSEQUENTLY";

strike line 24 and substitute the following:

"ENGLISH, AND AS A RESULT ARE REQUIRED TO TAKE THE ASSESSMENT IN ENGLISH PURSUANT TO SECTIONS 22-7-409 (1) AND 22-7-409 (1.2) (d) (I) (C).";

strike lines 25 through 27 and substitute the following:

"SECTION 4. 22-7-605 (8), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-7-605. School accountability reports - format. (8) **School history.** (f) BELOW THE CHARTS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (8) SHALL APPEAR A REPORT OF THE PROGRESS OF STUDENTS AT THE SCHOOL ON ASSESSMENTS TO DETERMINE IF THE STUDENTS' DOMINANT LANGUAGE IS NOT ENGLISH. ON OR BEFORE JULY 1, 2002, THE STATE BOARD SHALL BY RULE SPECIFY THE GRAPHIC DEPICTION REQUIRED BY THIS PARAGRAPH (f)."

Page 5, strike lines 1 through 21;

line 22, strike "(1) (f), (1.2) (d) (I) (C)," and substitute "(1.2) (d) (I) (C)";

line 23, strike "amended" and substitute "amended, and the said 22-7-409 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

strike lines 24 through 27.

Page 6, strike lines 1 through 26 and substitute the following:

"22-7-409. Assessments - repeal. (1.2) (d) (I) Every student enrolled in a public school shall be".

Page 7, line 19, before "ASSESSMENT", insert "ENTIRE".

Page 8, after line 1, insert the following:

"(3.5) (a) THE BOARD SHALL REVISE AS NECESSARY, AND THE DEPARTMENT SHALL ADMINISTER READING ASSESSMENTS IN SPANISH FOR STUDENTS ENROLLED IN THE THIRD AND FOURTH GRADES AND A WRITING ASSESSMENT IN SPANISH TO STUDENTS ENROLLED IN THE FOURTH GRADE.

(b) IF SUFFICIENT MONEYS ARE RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO PAY FOR THE DEVELOPMENT, REVISION, AND ADMINISTRATION OF THE ASSESSMENTS, THE BOARD SHALL DEVELOP, AND REVISE AS NECESSARY, AND STARTING IN THE SPRING SEMESTER 2003, THE DEPARTMENT SHALL ADMINISTER A WRITING ASSESSMENT IN SPANISH FOR STUDENTS ENROLLED IN THE THIRD GRADE.

(c) IF SUFFICIENT MONEYS ARE RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO PAY FOR THE DEVELOPMENT, REVISION, AND ADMINISTRATION OF THE ASSESSMENTS, THE BOARD SHALL DEVELOP, AND REVISE AS NECESSARY, AND STARTING IN OR BEFORE THE SPRING SEMESTER 2006, THE DEPARTMENT SHALL ADMINISTER MATHEMATICS

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SB02-109

ASSESSMENTS IN SPANISH FOR STUDENTS ENROLLED IN THE THIRD AND FOURTH GRADES."

MESSAGE FROM THE HOUSE

February 20, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1015, as printed in House Journal, February 15, pages 423-424.

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 Wednesday, February 20, was laid over until Thursday, February 21, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006.**

Consideration of Governor's Appointments:

Colorado Water Conservation Board

State Board of Land Commissioners

Consideration fo House Amendments to Senate Bills: **SB02-031, SB02-028.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February 21, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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