

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

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Forty-fourth Legislative Day

Thursday, February 21, 2002

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Prayer By the chaplain, Father Larry Hart, St. George Episcopal Church.

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

Roll Call Present--Total, 32  
Absent/Excused--Anderson, Evans, Phillips--Total, 3.  
Present later--Evans, Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Wednesday, February 21, was dispensed with and the Journal was approved as corrected by the Secretary.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-169** by Senator(s) Linkhart; also Representative(s) Chavez--Concerning the exemption of Roth individual retirement accounts from levy and sale.  
Business, Labor, and Finance

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**HJR02-1015** by Representative(s) Cloer, Garcia, Snook; also Senator(s) Lamborn--Concerning the recognition of a Colorado Greyhound Adoption Day.

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

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**SENATE SERVICES REPORT**

Senate Services Correctly printed: SB02-168.

Correctly engrossed: SB02-012, 013, 079, 085, 086, 131, 141, 161.

Correctly reengrossed: SB02-100, 117, 159.

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

The President has signed: **SB02-108**.

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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading--Final Passage of Bills Calendar (**SB02-102, SB02-110, SB02-064, SB02-086, SB02-141, SB02-012, SB02-079, SB02-131, SB02-086, SB02-013, SB02-161**) of Thursday, February 21, was laid over until later in the day, retaining its place on the calendar.

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

**SB02-120**

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

Amendment No. 2(L.017), 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 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

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SB02-120

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 SUBSECTION (4) OF THIS SECTION".

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

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SB02-120

"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.

(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

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**SB02-120**

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LIMITATION, ALL TYPES OF HIGHWAYS, ROADS, AND STREETS, MASS  
TRANSIT ROUTINGS, BICYCLE WAYS, SIDEWALKS, RAILWAYS, WATERWAYS,  
AIRWAYS, AND TERMINALS FOR PEOPLE, GOODS, AND VEHICLES. IN  
PREPARING THE TRANSPORTATION ELEMENT, THE MUNICIPALITY SHALL  
CONSULT THE PLANS OF THE STATE DEPARTMENT OF TRANSPORTATION AS  
WELL AS THE PARTICULAR METROPOLITAN PLANNING ORGANIZATION OR  
TRANSPORTATION PLANNING ORGANIZATION WITHIN WHOSE JURISDICTION  
THE MUNICIPALITY IS LOCATED.

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(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.

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(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.

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(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.".

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

**SB02-150**

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

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Amendment No. 2(L.002), by Senator Pascoe.

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Amend printed bill, page 4, line 1, strike "SHALL" and substitute "SHALL,  
NOT LATER THAN JULY 1, 2003, AND EVERY TWO YEARS THEREAFTER,";

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strike lines 18 and 19 and substitute the following:

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"PROJECT SELECTION, SHALL BE RESOLVED BY MEDIATION, WHICH  
MEDIATION SHALL NOT EXCEED A TOTAL DURATION OF NINETY DAYS. IF  
SAID MEDIATION FAILS TO RESOLVE THE DISPUTE, THE DISPUTE SHALL BE  
RESOLVED BY BINDING ARBITRATION. IN SUCH CASE, THE METROPOLITAN  
PLANNING ORGANIZATION, THE REGIONAL TRANSPORTATION AGENCY, AND  
THE DEPARTMENT OF TRANSPORTATION SHALL EACH BE MADE PARTIES TO  
THE ARBITRATION. EACH SUCH PARTY SHALL SELECT ONE PERSON AS AN  
ARBITRATOR. THE DECISION MADE BY ANY TWO OF SAID ARBITRATORS  
SHALL BE FINAL AND BINDING ON THE PARTIES."

- SB02-150** Amendment No. 3(L.003), by Senator Pascoe. 1  
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Amend the Public Policy and Planning committee report, dated February 3  
14, 2002, page 2, strike lines 8 through 13 and substitute the following: 4  
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"PARAGRAPH (b) SHALL IDENTIFY PROJECTS FOR WHICH A FINANCIAL PLAN 6  
HAS BEEN PREPARED." 7  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 9  
Passage. 10
- SB02-114** by Senator Hanna; also Representative Crane--Concerning the regulation of ski area guest 11  
child care facilities. 12  
Amendment No. 1, Health, Environment, Children & Families Committee Amendment. 13  
(Printed in Senate Journal, February 15, pages 278-281 and placed in members' bill file.) 14  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 16  
Passage. 17  
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- SB02-145** by Senator Owen; also Representative Kester--Concerning retirement incentives to retain 20  
qualified teachers in the state, and, in connection therewith, establishing a post-retirement 21  
teaching incentive plan for public school teachers. 22  
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Amendment No. 1, Education Committee Amendment. 24  
(Printed in Senate Journal, February 14, pages 237-239 and placed in members' bill file.) 25  
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Amendment No. 2(L.005), by Senator Owen. 27  
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Amend the Education Committee Report, dated February 12, 2002, page 29  
1, strike lines 1 and 2 and substitute the following: 30  
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"Amend printed bill, page 2, strike lines 2 through 23. 32  
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Renumber succeeding sections accordingly." 34  
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Page 2 of the report, line 10, strike "C.R.S., AND SECTIONS 22-64-111 (4) 36  
(a) AND 22-64-211 (4) (a). and substitute "C.R.S."; 37  
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line 27 of the report, after "HIRED" insert "BY A SCHOOL DISTRICT OR A 39  
BOARD OF COOPERATIVE EDUCATIONAL SERVICES". 40  
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Page 3 of the report, strike lines 23 through 26 and substitute the 42  
following: 43  
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"(A) THAT IS LOCATED IN A SCHOOL DISTRICT WITH FEWER THAN 45  
FOUR THOUSAND STUDENTS; AND" 46  
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line 29 of the report, strike "AND" and substitute "OR EITHER OF THE". 48  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 51  
Passage. 52
- SB02-139** by Senator Taylor; also Representative Miller--Concerning procedures for voting by 53  
absentee ballot by members of the United States armed forces stationed outside of the 54  
United States. 55  
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Amendment No. 1, Government, Veterans and Military Relations, and Transportation 57  
Committee Amendment. 58  
(Printed in Senate Journal, February 14, page 255 and placed in members' bill file.) 59  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 61  
Passage. 62  
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- SB02-128** by Senator Epps; also Representative Hefley--Concerning the ability of youth in out-of- 65  
home placement to obtain authority from the department of revenue to drive. 66  
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Amendment No. 1, Health, Environment, Children & Families Committee Amendment. 68  
(Printed in Senate Journal, February 15, page 282 and placed in members' bill file.) 69  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 71  
Passage. 72

**SB02-104**

by Senator Taylor; also Representative White--Concerning authorization for the department of natural resources to acquire rights to specified state lands currently supervised by the state board of land commissioners, and, in connection therewith, authorizing the department to transfer any rights acquired to the county of Eagle.

Amendment No. 1(L.005), by Senator Perlmutter.

Amend printed bill, page 2, line 13, strike "COMMISSIONERS;" and substitute "COMMISSIONERS AND ARE SUBJECT TO BEING TRANSFERRED INTO PRIVATE OWNERSHIP PURSUANT TO CONTRACTS ENTERED INTO BETWEEN THE STATE BOARD AND A PRIVATE PARTY;"

Page 3, line 23, after "ACQUISITIONS.", add "ALL SUCH MONEYS DONATED BY THE COUNTY OF EAGLE TO FINANCE SUCH ACQUISITIONS SHALL BE RECEIVED BY THE DEPARTMENT NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION. IF SUCH MONEYS ARE NOT RECEIVED BY THE DEPARTMENT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD OF LAND COMMISSIONERS SHALL TRANSFER SAID PARCELS INTO PRIVATE OWNERSHIP IN ACCORDANCE WITH THE CONTRACTS PREVIOUSLY EXECUTED BY THE STATE BOARD."

Page 4, line 3, strike "BEFORE JULY 1, 2004." and substitute "NO LATER THAN DECEMBER 31, 2002.";

line 8, strike "JULY 1, 2004." and substitute "JANUARY 1, 2003."

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

**SB02-132**

by Senator Nichol--Concerning the reformation of the regulation of persons who tow abandoned motor vehicles, and, in connection therewith, recodifying the laws regulating towing abandoned vehicles.

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

Senator Thiebaut moved that the Committee of the Whole rise, report progress and beg leave to sit again at 1:30. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

The Committee of the Whole reported it had risen, reported progress and would sit again at 1:30 p.m.

Senate Reconvened

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

After consideration on the merits, the committee recommends that **HB02-1040** be referred favorably to the Committee of the Whole.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1055** be referred favorably to the Committee of the Whole.

Business, Labor, and Finance

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

BANKING BOARD

for terms expiring July 1, 2005:

Mary S. Reisher of Denver, Colorado, to serve as an executive officer of a state bank and as an Unaffiliated from the First Congressional District, reappointed;

D. Terry Reitan of Golden, Colorado, to serve as the representative of an executive officer of a trust company from the Sixth Congressional District as an Unaffiliated, appointed.

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Karen J. Rodriguez of Colorado Springs, Colorado, to serve as an executive officer of an industrial bank and as a Democrat from the Fifth Congressional District, reappointed;

William A. Mitchell, Jr. of Superior, Colorado, to serve as an executive officer of a state bank and as a Republican from the Second Congressional District, reappointed.

Business,  
Labor, and  
Finance

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MOTION PICTURE AND TELEVISION  
ADVISORY COMMISSION

for terms expiring June 30, 2003:

Michael S. Booz of Englewood, Colorado, to fill the vacancy occasioned by the resignation of Terry M. Wickre and to serve as a Republican from the Fifth Congressional District, appointed;

Joel C. Ehrlich of Nederland, Colorado, to fill the vacancy occasioned by the resignation of Bert A. Kempers and to serve as a Democrat from the Second Congressional District, appointed.

for terms expiring June 30, 2005:

Tom E. Hoch of Aurora, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed;

Business,  
Labor, and  
Finance

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

EXECUTIVE DIRECTOR  
OF THE  
DEPARTMENT OF PERSONNEL/  
GENERAL SUPPORT SERVICES

for a term expiring at the pleasure of the Governor:

Troy A. Eid of Golden, Colorado, to fill the vacancy occasioned by the resignation of Larry E. Trujillo, Sr., appointed.

**MESSAGE FROM THE HOUSE**

February 21, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1328.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1327, amended as printed in House Journal, February 20, pages 458-459.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1328.

Without comment, as amended, HB02-1327.

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**INTRODUCTION OF BILLS--FIRST READING**

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

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| <b>HB02-1327</b> | by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--             | 5  |
|                  | Concerning modifications to the sources of funding of state capital construction projects    | 6  |
|                  | for the 2001-02 state fiscal year in order to increase the amount of general fund            | 7  |
|                  | appropriations made during said fiscal year used to calculate the statutory limitation on    | 8  |
|                  | general fund appropriations for the 2002-03 state fiscal year, and making appropriations in  | 9  |
|                  | connection therewith.  | 10 |
|                  | Appropriations   | 11 |
|                  |  | 12 |
| <b>HB02-1328</b> | by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--             | 13 |
|                  | Concerning modifications to the source of funding for the older Coloradans program for       | 14 |
|                  | the 2001-02 state fiscal year in order to increase the amount of general fund appropriations | 15 |
|                  | made during said fiscal year used to calculate the statutory limitation on general fund      | 16 |
|                  | appropriations for the 2002-03 state fiscal year, and making an appropriation in connection  | 17 |
|                  | therewith.   | 18 |
|                  | Appropriations   | 19 |
|                  |  | 20 |
| <b>HB02-1211</b> | by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Tupa, Anderson,     | 21 |
|                  | Takis, Taylor--Concerning the timely issuance of a final determination by the executive      | 22 |
|                  | director of the department of revenue following a hearing on a dispute between a taxpayer    | 23 |
|                  | and the state involving a state tax deficiency.  | 24 |
|                  | Business, Labor, and Finance   | 25 |
|                  |  | 26 |
| <b>HB02-1217</b> | by Representative(s) Kester; also Senator(s) Takis, Hagedorn, Hillman--Concerning            | 27 |
|                  | investment of public funds in securities issued by Colorado public entities.                 | 28 |
|                  | Public Policy and Planning   | 29 |
|                  |  | 30 |
| <b>HB02-1219</b> | by Representative(s) Larson; also Senator(s) Hernandez--Concerning frivolous state           | 31 |
|                  | income tax returns.  | 32 |
|                  | Business, Labor, and Finance   | 33 |
|                  | Appropriations   | 34 |
|                  |  | 35 |
| <b>HB02-1223</b> | by Representative(s) Veiga; also Senator(s) Anderson--Concerning sentencing of persons       | 36 |
|                  | convicted of offenses committed on or after July 1, 2002, involving unlawful sexual          | 37 |
|                  | behavior.  | 38 |
|                  | Judiciary  | 39 |
|                  |  | 40 |
| <b>HB02-1231</b> | by Representative(s) Snook, Bacon, Boyd, Jahn, Madden, Mitchell; also Senator(s) Isgar--     | 41 |
|                  | Concerning the continuation of the subpoena powers granted to the director of the            | 42 |
|                  | Colorado civil rights division in cases relating to allegations of unfair employment         | 43 |
|                  | practices.   | 44 |
|                  | Judiciary  | 45 |
|                  |  | 46 |
| <b>HB02-1235</b> | by Representative(s) Young; also Senator(s) Hernandez--Concerning changes in the repeal      | 47 |
|                  | dates for funding from the employment support fund for certain programs administered by      | 48 |
|                  | the department of labor and employment.  | 49 |
|                  | Public Policy and Planning   | 50 |
|                  |  | 51 |
| <b>HB02-1279</b> | by Representative(s) Stafford, Plant, Saliman, Spradley; also Senator(s) Hernandez,          | 52 |
|                  | Anderson, Hagedorn, Matsunaka--Concerning the designation of managed service                 | 53 |
|                  | organizations for the purchase of treatment services related to alcohol and drug abuse.      | 54 |
|                  | Health, Environment, Children & Families   | 55 |
|                  |  | 56 |
| <b>HB02-1280</b> | by Representative(s) Rhodes; also Senator(s) Taylor, Fitz-Gerald--Concerning the             | 57 |
|                  | prohibition of the regulation of banking by a political subdivision.                         | 58 |
|                  | Public Policy and Planning   | 59 |
|                  |  | 60 |
| <b>HB02-1316</b> | by Representative(s) Harvey; also Senator(s) Tupa--Concerning repayment of loans issued      | 61 |
|                  | through the interest-free loan program to alleviate cash flow management problems for        | 62 |
|                  | school districts.  | 63 |
|                  | Education  | 64 |
|                  |  | 65 |
| <b>HB02-1245</b> | by Representative(s) Lee; also Senator(s) Evans--Concerning utilization of party             | 66 |
|                  | committees to fill vacancies occurring on the state board of education.                      | 67 |
|                  | Government, Veterans and Military Relations, and Transportation                              | 68 |
|                  | Education  | 69 |
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**GENERAL ORDERS--SECOND READING OF BILLS**  
(Continuation)

On motion of Senator Thiebaut, the Senate resolved itself into the Committee of the Whole for continuation of consideration of General Orders--Second Reading of Bills and Senator Tupa returned to the Chair to act as Chairman.

**SB02-099**

by Senator Nichol; also Representative Spradley--Concerning the updating of statutory provisions regarding the state military forces.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.  
(Printed in Senate Journal, February 8, pages 188-189 and placed in members' bill file.)

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

Amend the Government, Veterans and Military Relations, and Transportation Report, dated February 6, 2002, page 1, line 7, strike "and" and substitute "and";

line 8, strike "IN SUPPORT" and substitute "THE IMPLEMENTATION";

line 9, strike "(EMAC)";

line 10, strike "FORCE" and substitute "MILITARY FORCES".

Page 3, strike line 2 and substitute the following:

"Page 9, line 5, strike "SOLELY";

strike lines 20 through 24."

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

Amend printed bill, page 4, line 15, strike "(1), (2), and (9)," and substitute "(1) and (2),".

Page 5, strike lines 19 through 24 and substitute the following:

**"SECTION 4.** 28-3-103 (9), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**28-3-103. General provisions.** (9) CONSISTENT WITH FEDERAL LAW, WOMEN MAY ENLIST IN THE STATE MILITARY FORCES IN THE SAME MANNER AS MEN AND SHALL BE APPOINTED BY THE GOVERNOR IN THE SAME MANNER AS MEN. WHILE SO SERVING IN THE STATE MILITARY FORCES, WOMEN SHALL HAVE THE SAME STATUS AS MALE MEMBERS OF THE STATE MILITARY FORCES, CONSISTENT WITH FEDERAL LAW."

Renumber succeeding sections accordingly.

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

**SB02-124**

by Senator Windels; also Representative Hefley--Concerning the resolution of disputes arising from a charter school contract, and, in connection therewith, specifying procedures for the use of forms of alternative dispute resolution and modifying the process of appeals to the state board of education.

Amendment No. 1(L.003), by Senator Windels.

Amend printed bill, page 2, strike line 13 and substitute the following:

"WRITTEN FINDINGS."

Page 3, strike line 11 and substitute the following:

"MAY AGREE TO BE BOUND BY THE WRITTEN FINDINGS";

line 12, strike "LAW";

line 13, strike "THIS SUBSECTION (1)." and substitute "SUBSECTION (1) OF

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**SB02-124**

THIS SECTION.";  
 line 14, strike "AND CONCLUSIONS";  
 line 15, strike "FINDINGS" and substitute "WRITTEN FINDINGS,";  
 line 16, strike "OF FACT AND CONCLUSIONS OF LAW,";  
 strike lines 17 through 23 and substitute the following:  
 "FINDINGS TO THE STATE BOARD. A PARTY WHO WISHES TO APPEAL SUCH FINDINGS SHALL PROVIDE THE STATE BOARD AND THE OTHER PARTY WITH A NOTICE OF APPEAL WITHIN THIRTY DAYS AFTER THE RELEASE OF SUCH FINDINGS, AND THE NOTICE OF APPEAL SHALL CONTAIN A BRIEF DESCRIPTION OF THE GROUNDS FOR APPEAL. THE STATE BOARD MAY CONSIDER SAID WRITTEN FINDINGS OR OTHER RELEVANT MATERIALS IN REACHING ITS DECISION AND MAY, ON ITS OWN MOTION, CONDUCT, AFTER SUFFICIENT NOTICE, A DE NOVO REVIEW OF AND HEARING ON THE UNDERLYING MATTER.

(4) THE STATE BOARD SHALL:

(I) ISSUE ITS DECISION ON THE WRITTEN FINDINGS RESULTING FROM ANY ALTERNATIVE DISPUTE RESOLUTION ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION WITHIN SIXTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL; OR

(II) MAKE ITS OWN FINDINGS WITHIN SIXTY DAYS AFTER MAKING ITS OWN MOTION FOR A DE NOVO REVIEW AND HEARING DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.";

line 24, strike "(4)" and substitute "(5)".

Page 4, line 4, strike "(5)" and substitute "(6)".

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

**SB02-158**

by Senator Isgar; also Representative Larson--Concerning limitations on the size of certain vehicles.

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

**SB02-035**

by Senator Chlouber; also Representative Lawrence--Concerning the service of women in the state military forces.

On motion of Senator Chlouber, **SB02-035** was laid on the table.

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, SB02-142, SB02-133, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-136, SB02-118, SB02-157, SB02-112**)of Thursday, February 21, was laid over until Friday, February 22, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

Passed on Second Reading: **SB02-120** as amended, **SB02-150** as amended, **SB02-114** as amended, **SB02-145** as amended, **SB02-139** as amended, **SB02-128** as amended, **SB02-104** as amended, **SB02-099** as amended, **SB02-124** as amended, **SB02-158**.

Laid on the Table: **SB02-035**.

Laid over until Friday, February 22: **HB02-132, SB02-042, SB02-142, SB02-133, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-136, SB02-118, SB02-157, SB02-112**.

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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, **SB02-031**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB02-031** by Senator Entz; also Representative Spradley--Concerning categorization of Custer county for purposes of establishing salaries of county officers.

Senator Entz moved that the Senate concur in House amendments to **SB02-031**, as printed in House Journal, February 14, page 394. The motion was **passed** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	E	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	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	E	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**.

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 Governor's Appointments. The Consideration of Governor's Appointments Calendar of Thursday, February 21 was laid over until Monday, February 25, and placed on the Consideration of Governor's Appointments Consent Calendar.

Colorado Water Conservation Board  
State Board of Land Commissioners

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions, **HJR02-1016**.

**CONSIDERATION OF RESOLUTIONS**

**HJR02-1016** by Representative(s) Dean; also Senator(s) Perlmutter--Concerning the 200<sup>th</sup> anniversary of the United States Military Academy.

On motion of Senator Perlmutter, the Resolution was read at length and **adopted** by the following roll call vote:

HJR02-1016

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	E	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		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Third Reading--Final Passage of Bills.

### THIRD READING--FINAL PASSAGE OF BILLS

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

SB02-102

by Senator Perlmutter; also Representative Vigil--Concerning impact fees.

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

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

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

Co-sponsors added: Fitz-Gerald, Gordon, Hagedorn, Hanna, Linkhart, Matsunaka, Pascoe, Phillips, Tate, Thiebaut, Tupa, Windels.

SB02-110

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

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Linkhart, Nichol, Perlmutter, Tate, Thiebaut, Tupa.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Third Reading--Final Passage of Bills Calendar (SB02-064, SB02-086, SB02-141, SB02-012, SB02-079, SB02-131, SB02-086, SB02-013, SB02-161) of Thursday, February 21, was laid over until Friday, February 22, 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 balance of the calendar of Thursday, February 21, was laid over until Friday, February 22, retaining its place on the calendar.

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

Consideration of House Amendments to Senate Bills: **SB02-028.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, February 22, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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