

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

22nd Legislative Day

Wednesday, January 26, 2000

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

Prayer By the chaplain, Dr. Gilbert Caldwell, Park Hill Methodist Church, Denver.

Roll Call Present--Total, 31.
Absent/Excused--Evans, Feeley, Lacy, Wham--Total, 4.
Present later--Evans, Feeley, Lacy, Wham.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Epps, reading of the Journal of Tuesday, January 25 was dispensed with and the Journal stands approved as corrected by the Secretary.
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SENATE SERVICES REPORT

Senate
Services

Correctly printed: SCR 00-003.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 36(c) was suspended for Consideration of Governor's appointment.

CONSIDERATION OF GOVERNOR'S APPOINTMENT

On motion of Senator Anderson, the following Governor's appointment was confirmed by a roll call vote:

PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring the Monday preceding the second Tuesday in January 2004:

Paulette “Polly” E. Page of Aurora, Colorado, to serve as a Republican, appointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	*	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	E
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

Abstaining (*) from voting under Senate Rule 17(c)--Hernandez

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-130

Business Affairs and Labor	After consideration on the merits, the committee recommends that <u>SB00-025</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:	1 2 3 4 5
	Amend printed bill, page 2, line 21, after the period, add "EACH TELECOMMUNICATIONS PROVIDER AND SERVICE THAT CONTINUES TO BE REGULATED BY THE COMMISSION IN ACCORDANCE WITH THIS PART 6 IS HEREBY DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND IS A PUBLIC UTILITY SUBJECT TO THE PROVISIONS OF ARTICLES 1 TO 7 OF THIS TITLE."	6 7 8 9 10 11
	Page 4, after line 18, insert the following:	12 13
	"(a) BASIC EMERGENCY SERVICE SHALL REMAIN SUBJECT TO COMMISSION JURISDICTION AND SUBJECT TO THE PROVISIONS OF ARTICLES 1 TO 7 OF THIS TITLE, SO FAR AS APPLICABLE, INCLUDING THE REGULATION OF RATES, CHARGES, TERMS AND CONDITIONS, AND ADEQUACY OF SERVICE."	14 15 16 17 18 19 20
	Reletter succeeding paragraphs accordingly.	21 22
	Page 5, line 2, strike "JULY 1, 200_", and substitute "JULY 1, 2008,".	23 24
	Page 6, line 12, strike "ON OR";	25 26
	strike line 13, and substitute the following:	27 28
	"AS OF JULY 1, 2003, UNLESS ALL PARTIES TO";	29 30
	line 16, change the period to a comma and add "FOR THE TERM OF THE AGREEMENT."	31 32 33
Business Affairs and Labor	After consideration on the merits, the committee recommends that <u>SB00-80</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:	34 35 36 37
	Amend printed bill, page 3, line 4, strike "either a consumer credit sale or a consumer loan" and substitute " either a consumer credit sale or a consumer loan TRANSACTION".	38 39 40 41 42
		43
	After consideration on the merits, the committee recommends that <u>SB00-095</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:	44 45 46 47
	Amend printed bill, page 4, line 15, strike "PLAN." and substitute "PLAN, EXCLUDING THOSE HEALTH CARE SERVICES RENDERED IN CONJUNCTION WITH A ROUTINE VISION EXAMINATION OR THE FILLING OF PRESCRIPTIONS FOR CORRECTIVE EYEWEAR."	48 49 50 51 52 53 54 55
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	On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, January 26, was laid over until Thursday, January 27, retaining its place on the calendar.	58 59 60 61
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	Senate in recess.	63 64
	Senate reconvened.	65 66 67 68 69 70 71 72

COMMITTEE OF REFERENCE REPORTS

State, Veterans, and Military Affairs After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-078

State, Veterans, and Military Affairs After consideration on the merits, the committee recommends that SB00-096 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 21 through 26.

Page 3, strike lines 1 through 16.

Renumber succeeding sections accordingly.

Trans- portation After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-053

Trans- portation After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-087

Local Government After consideration on the merits, the committee recommends that SB00-008 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause, and substitute the following:

"SECTION 1. 24-32-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

24-32-104. Functions of the division. (1) The division shall perform the following functions:

(m) PROVIDE ELECTRONIC READ-ONLY ACCESS TO COUNTY, REGIONAL, AND MUNICIPAL MASTER PLANS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-115 (1);

(n) DEVELOP A GLOSSARY OF TERMS USED IN COUNTY, REGIONAL, AND MUNICIPAL MASTER PLANS AND PROVIDE ELECTRONIC, READ-ONLY ACCESS TO SUCH GLOSSARY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-115 (2). SUCH GLOSSARY SHALL BE DEVELOPED IN COORDINATION WITH COLORADO COUNTIES, INCORPORATED, AND THE COLORADO MUNICIPAL LEAGUE. THE DIVISION MAY OBTAIN ASSISTANCE FROM ANY APPROPRIATE PUBLIC OR PRIVATE ENTITY IN DEVELOPING THE GLOSSARY.

SECTION 2. 24-32-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

24-32-106. Powers of the director. (1) In order to perform the functions and duties of the division expressly set forth in this part 1, the director, acting under the authority of the executive director of the department of local affairs, has the following powers:

(h) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF SECTION 24-32-115, INCLUDING, BUT NOT LIMITED TO, THE PROCEDURES FOR ESTABLISHING ELECTRONIC READ-ONLY ACCESS TO COUNTY, REGIONAL, AND MUNICIPAL MASTER PLANS PURSUANT TO SAID SECTION;

(i) TO DEVELOP, IN COORDINATION WITH COLORADO COUNTIES, INCORPORATED, AND THE COLORADO MUNICIPAL LEAGUE, A GLOSSARY OF TERMS USED IN COUNTY, REGIONAL, AND MUNICIPAL MASTER PLANS.

SECTION 3. Part 1 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-115. Electronic access to information. (1) NO LATER THAN DECEMBER 31, 2000, THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SHALL PROVIDE ELECTRONIC READ-ONLY ACCESS THROUGH THE INTERNET OR A SUCCESSOR ON-LINE COMPUTER SYSTEM TO THE FOLLOWING PUBLIC INFORMATION THAT IS OTHERWISE AVAILABLE FOR PHYSICAL INSPECTION AND COPYING BY PERSONS AT THE OFFICES OF LOCAL GOVERNMENTS:

(a) ANY MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE UNINCORPORATED TERRITORY OF A COUNTY ADOPTED BY A COUNTY PLANNING COMMISSION IN ACCORDANCE WITH SECTION 30-28-106(1) AND (3), C.R.S.;

(b) ANY REGIONAL PLAN FOR THE PHYSICAL DEVELOPMENT OF THE TERRITORY WITHIN THE BOUNDARIES OF A REGION ADOPTED BY A REGIONAL PLANNING COMMISSION IN ACCORDANCE WITH SECTION 30-28-106 (2) AND (3), C.R.S.;

(c) ANY MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF A MUNICIPALITY OR THE AREAS OUTSIDE THE BOUNDARIES OF A MUNICIPALITY ADOPTED BY A MUNICIPAL PLANNING COMMISSION IN ACCORDANCE WITH SECTION 31-23-206, C.R.S.

(2) NO LATER THAN DECEMBER 31, 2000, THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SHALL DEVELOP, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 24-32-104 (1)(n) AND 24-32-106(1)(i), AND PROVIDE ELECTRONIC READ-ONLY ACCESS THROUGH THE INTERNET OR A SUCCESSOR ON-LINE COMPUTER SYSTEM TO A GLOSSARY OF TERMS USED IN COUNTY, REGIONAL, AND MUNICIPAL MASTER PLANS. THE GLOSSARY SHALL BE PROVIDED IN CONNECTION WITH THE MASTER PLANS PROVIDED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

(3) THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SHALL DETERMINE THE PROCEDURES TO BE USED FOR ELECTRONIC ACCESS UNDER THIS SECTION.

SECTION 4. 30-28-106 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-28-106. Adoption of master plan - contents. (3) (h) ANY COUNTY OR REGIONAL MASTER PLAN ADOPTED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE BY THE COUNTY OR REGIONAL PLANNING COMMISSION TO THE DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL AFFAIRS IN ORDER TO PROVIDE ELECTRONIC READ-ONLY ACCESS THROUGH THE INTERNET OR A SUCCESSOR ON-LINE COMPUTER SYSTEM OF SUCH MASTER PLAN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-115, C.R.S. EACH COUNTY OR REGIONAL PLANNING COMMISSION SHALL PROVIDE UPDATES TO THE DIVISION WHENEVER SUCH MASTER PLAN IS AMENDED, REVISED, OR UPDATED.

SECTION 5. 31-23-206, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-23-206. Master plan. (4) ANY MUNICIPAL MASTER PLAN ADOPTED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE BY THE MUNICIPAL PLANNING COMMISSION TO THE DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL AFFAIRS IN ORDER TO PROVIDE ELECTRONIC READ-ONLY ACCESS THROUGH THE INTERNET OR A SUCCESSOR ON-LINE COMPUTER SYSTEM OF SUCH MASTER PLAN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-115, C.R.S. EACH MUNICIPAL PLANNING COMMISSION SHALL PROVIDE UPDATES TO THE DIVISION WHENEVER SUCH MASTER PLAN IS AMENDED, REVISED, OR UPDATED.

SECTION 6. Effective date. This act shall take effect July 1, 2000.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike lines 104 through 106 and substitute the following:

"REQUIRING THE DEVELOPMENT OF A GLOSSARY OF TERMS USED IN AND ELECTRONIC ACCESS TO SUCH PLANS."

Judiciary After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-089

Judiciary After consideration on the merits, the committee recommends that SB00-125 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 13, strike lines 7 through 11, and substitute the following:

"(11) ANY TRANSFEROR WHO COMPLIES WITH THE PROVISIONS OF THIS SECTION SHALL NOT BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY OR REGULATORY SANCTION THAT MAY ARISE FROM THE LAWFUL TRANSFER OR LAWFUL DENIAL OF THE TRANSFER OF A FIREARM."

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Thursday, January 27, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate