

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

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Seventy-second Legislative Day

Thursday, March 22, 2001

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Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Call to Order By the President at 8:30 a.m.

Roll Call Present--Total, 32.  
Absent/Excused--Hillman, Owen, Phillips--Total  
Present later--Hillman, Owen, Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tate, reading of the Journal of Wednesday, March 21, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services Correctly printed: SB01-211, SJR01-020.  
Correctly revised: HJR01-1019.  
Correctly rerevised: HB01-1187.

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**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01-1175** be postponed indefinitely.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**HB01-1364** by Representative Fairbank; also Senator Takis--Concerning the modification of statutory provisions affecting the administration of state income tax returns.  
Business, Labor, and Finance

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**INTRODUCTION OF CONCURRENT RESOLUTIONS**

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

**HCR01-1001** by Representatives Stengel and Fairbank; also Senators Dennis and Dyer (Arapahoe)-- Concerning the submission to the registered electors of the state of Colorado of an amendment to section 1 (2) and (6) of article V and section 1 of article VII of the constitution of the state of Colorado, modifying election procedures and, in connection therewith, requiring initiative petitions for amendments to the constitution to be signed by registered electors residing in each congressional district in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state in such district at the previous general election, increasing the period prior to an election that initiative petitions must be filed with the secretary of state to at least four months, instead of three months, before the election at which they are to be voted upon, and decreasing the period of residency that a citizen must reside in the state to be a qualified elector from at least one year to at least thirty days.  
Government, Veterans and Military Relations, and Transportation

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**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:

**HB01-1113** by Representative Coleman; also Senator Linkhart--Concerning the duty of the department of corrections, division of adult parole, to inform the public before acquiring a site to operate as a branch parole office.

(For further action of **HB01-1113**, see below.)

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 of Thursday, March 22, 2001, was laid over until Monday, March 26, 2001, retaining its place on the calendar.

**THIRD READING--FINAL PASSAGE OF BILLS**  
(Continuation)

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

**HB01-1113** by Representative Coleman; also Senator Linkhart--Concerning the duty of the department of corrections, division of adult parole, to inform the public before acquiring a site to operate as a branch parole office.

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

| YES      | 25 | NO          | 9 | EXCUSED    | 0 | ABSENT        | 1 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | N  | Evans       | N | May        | Y | Takis         | Y |
| Andrews  | N  | Fitz-Gerald | Y | McElhany   | N | Tate          | Y |
| Arnold   | Y  | Gordon      | Y | Musgrave   | N | Taylor        | Y |
| Cairns   | N  | Hagedorn    | Y | Nichol     | Y | Teck          | Y |
| Chlouber | N  | Hanna       | Y | Owen       | A | Thiebaut      | Y |
| Dennis   | N  | Hernandez   | Y | Pascoe     | Y | Tupa          | Y |
| Dyer, E. | Y  | Hillman     | Y | Perlmutter | Y | Windels       | Y |
| Dyer, F. | Y  | Lamborn     | N | Phillips   | Y | Mr. President | Y |
| Epps     | Y  | 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: Hanna, Pascoe.

Committee of the Whole

On motion of Senator Tate, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Tate 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB01-148** by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

(Amended in General Orders, Senate Journal March 21, 2001, page 594.)  
Amendment No. 3 (L.052), by Senator Chlouber.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 528, strike line 39;

line 41, strike "line" and substitute "Page 312, line";

line 49, strike ""BASIN";" and substitute ""BASIN".";

strike lines 51 through 72.

Strike page 529.

**SB01-148**

Page 530, strike lines 1 through 6 and substitute the following:

"Page 313, strike lines 61 through 71 and substitute the following:

**"SECTION 8.** 39-29-109 (1) (a) (II), Colorado Revised Statutes,";

strike lines 44 through 72.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 312, strike lines 31 and 32.

Renumber succeeding subsections accordingly.

Page 312, strike lines 59 through 72.

Strike page 313.

Page 314, strike lines 1 through 24.

Amendment No. 4 (L.035), by Senator Andrews.

Amend printed bill, page 17, after line 7, insert the following:

"(3) NOTHING IS THIS ARTICLE SHALL BE INTERPRETED TO PREEMPT THE AUTHORITY OF THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106, C.R.S."

Amendment No. 5 (L.041), by Senator Phillips.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 526, strike lines 43 through 45 and substitute the following:

"OF GOVERNMENTS, THE MASTER PLAN OR COMPREHENSIVE PLAN OF SUCH JURISDICTION INCLUDES PROVISIONS THAT ADDRESS EACH OF THE ELEMENTS SPECIFIED IN SECTION 24-63-604 (3).";

line 60 of the journal, strike "24-63-206." and substitute "24-63-605."

Amendment No. 6 (L.042), by Senator Phillips.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 310, strike lines 66 through 68 and substitute the following:

"OF PUBLIC SCHOOL CAPITAL PROJECTS." .".

Amendment No. 7 (L.048), by Senator Pascoe.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 302, strike line 70 and substitute the following:

"Page 10, line 21, strike "PRINCIPLES THAT PROVIDE" and substitute "STANDARDS OF" .".

Page 303, line 54, strike "COUNTY.;" and substitute "COUNTY OR A CITY AND COUNTY.;" .".

Page 304, after line 19, insert the following:

"Page 15, line 22, strike "ALLOWED TO" .".

Page 305, after line 47, insert the following:

"Page 32, line 15, strike the second "OF THE" .".

Page 306, after line 62, insert the following:

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**SB01-148**

"Page 44, line 3, strike "COUNTY." and substitute "COUNTY OR THE CITY AND COUNTY.";"

line 64, strike "Page 44,".

Page 307, line 6, after "NOT", insert "YET".

Page 311, after line 2, insert the following:

"Page 65, line 23, strike "SHALL";";

line 4, strike "Page 65,".

Amendment No. 8 (L.026), by Senator Pascoe.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 306, strike lines 59 through 62.

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

Amendment No. 9 (L.046), by Senator Pascoe.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 313, line 2, strike "ON A LONG-TERM BASIS." and substitute "FOR A PERIOD OF NOT LESS THAN TWENTY YEARS.".

Amendment No. 10 (L.024), by Senator Perlmutter.

Amend printed bill, page 68, strike line 11 and substitute the following:

"amended, and the said 31-12-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:".

Page 69, strike lines 6 through 26 and substitute the following:

"exceeded for the annexation of an enterprise zone. PRIOR TO COMPLETION OF AN ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (e), THE MUNICIPALITY SHALL ANNEX ANY OF THE FOLLOWING PARCELS THAT ABUT A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, WHERE SUCH PARCEL IS INCLUDED WITHIN THE MUNICIPALITY'S URBAN SERVICE AREA DESIGNATED PURSUANT TO SECTION 24-63-407, C.R.S., WHERE THE PARCEL SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS PURSUANT TO SECTION 31-12-104, AND FOR WHICH AN ANNEXATION PETITION HAS BEEN RECEIVED BY THE MUNICIPALITY NO LATER THAN FORTY-FIVE DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 (1):

(I) ANY PARCEL OF PROPERTY HAVING AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES UPON THE PETITION OF THE OWNER OF SUCH PARCEL;

(II) ANY SUBDIVISION THAT CONSISTS OF ONLY ONE FILING UPON THE PETITION OF THE REQUISITE NUMBER OF OWNERS OF PROPERTY WITHIN THE SUBDIVISION AS DETERMINED PURSUANT TO SECTION 31-12-107; OR

(III) ANY FILING WITHIN A SUBDIVISION THAT CONSISTS OF MORE THAN ONE FILING UPON THE PETITION OF THE REQUISITE NUMBER OF OWNERS OF PROPERTY WITHIN THE FILING AS DETERMINED PURSUANT TO SECTION 31-12-107.

(e.1) THE MUNICIPALITY SHALL ANNEX THE PARCELS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) UNDER THE SAME OR SUBSTANTIALLY SIMILAR TERMS AND CONDITIONS AS, AND CONSIDER THEM AT THE SAME HEARING AND IN THE SAME IMPACT REPORT AS, THE INITIAL ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER

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NATURAL OR ARTIFICIAL WATERWAY. IMPACTS OF THE ANNEXATION UPON THE PARCELS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) THAT ABUT SUCH STREET OR ALLEY, RIGHT-OF-WAY, AREA, OR WATERWAY SHALL BE CONSIDERED IN THE IMPACT REPORT REQUIRED BY SECTION 31-12-108.5. AS PART OF THE SAME HEARING, THE MUNICIPALITY SHALL CONSIDER AND DECIDE UPON ANY PETITION FOR ANNEXATION OF ANY PARCEL OF PROPERTY HAVING AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES, WHICH PETITION WAS RECEIVED NOT LATER THAN FORTY-FIVE DAYS PRIOR TO THE HEARING DATE, WHERE THE PARCEL ABUTS ANY PARCEL DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1), AND WHERE THE PARCEL OTHERWISE SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS OF SECTION 31-12-104.

(e.3) IN CONNECTION WITH ANY ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, UPON THE LATER OF NINETY DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 OR UPON THE FILING OF THE ANNEXATION PETITION, THE MUNICIPALITY SHALL PROVIDE BY REGULAR MAIL TO THE OWNER OF ANY ABUTTING PARCEL AS REFLECTED IN THE RECORDS OF THE COUNTY ASSESSOR WRITTEN NOTICE OF THE ANNEXATION AND OF THE LANDOWNER'S RIGHT TO PETITION FOR ANNEXATION PURSUANT TO SECTION 31-12-107. INADVERTENT FAILURE TO PROVIDE SUCH NOTICE SHALL NEITHER CREATE A CAUSE OF ACTION IN FAVOR OF ANY LANDOWNER NOR INVALIDATE ANY ANNEXATION PROCEEDING."

Amendment No. 11 (L.032), by Senator Perlmutter.

Amend Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 306, after line 62, insert the following:

"Page 44, after line 12, insert the following:

**" 2 4 - 6 3 - 3 0 5 . I n t e r g o v e r n m e n t a l cooperation.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INTERGOVERNMENTAL AGREEMENT CONCERNING LAND USE PLANNING OR REGULATION OR REVENUE SHARING TO WHICH A LOCAL GOVERNMENT IS A PARTY MAY BE MADE MUTUALLY BINDING AND ENFORCEABLE FOR A PERIOD NOT TO EXCEED TWENTY YEARS. ANY SUCH INTERGOVERNMENTAL AGREEMENT MAY BE RENEWED OR EXTENDED FOR SUCCESSIVE PERIODS. NOTHING IN THIS ARTICLE SHALL EFFECT THE ENFORCEABILITY OR VALIDITY OF ANY INTERGOVERNMENTAL AGREEMENT ENTERED INTO PRIOR TO JULY 1, 2001."";

line 64 of the journal, strike "Page 44,".

Amendment No. 12 (L.049), by Senator Perlmutter.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 307, line 61, strike "SECTION," and substitute "SECTION AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS FACILITIES,".

Page 308, line 64, strike "SECTION," and substitute "SECTION AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS FACILITIES,".

Amend printed bill, page 65, line 4, strike "THE" and substitute "WITH THE EXCEPTION OF CLAIMS OR CAUSES OF ACTION INVOLVING PUBLIC UTILITIES, WHICH SHALL BE GOVERNED BY TITLE 40, C.R.S., THE".

Amendment No. 13 (L.029), by Senator Perlmutter.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, 2001, page 525, strike lines 44 through 72 and substitute the following:

"in Senate Journal, February 15, page 305, after line 47, insert the following:".

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Page 526 of the journal, strike lines 1 through 9.

Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 303, after line 62, insert the following:

"Page 13, after line 22, insert the following:

"(o) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS "LOCAL PLANNING JURISDICTION" FOR PURPOSES OF THIS ARTICLE."

Reletter succeeding paragraphs accordingly.";

Page 304 of the journal, after line 2, insert the following:

"Page 15, strike lines 1 through 15 and substitute the following:

"(y) "REGIONAL PLAN" MEANS A PLAN ADOPTED IN CONFORMITY WITH THE REQUIREMENTS OF PART 6 TO CARRY OUT THE PLANNING FUNCTIONS REQUIRED BY THIS ARTICLE.

(z) "REGIONAL PLANNING COMMISSION" MEANS A BODY ESTABLISHED IN THE DENVER METROPOLITAN AREA REGION PURSUANT TO SECTION 24-63-602 TO CARRY OUT THE PLANNING FUNCTIONS REQUIRED BY THIS ARTICLE."

Reletter succeeding paragraphs accordingly."

line 4 of the journal, strike "Page 15".

Amend the Public Policy and Planning Committee Amendment, as printed in Senate Journal, February 15, page 304, strike lines 20 through 71 substitute the following:

"Page 17, strike lines 8 through 27.

Strike pages 18 through 28.

Page 29, strike lines 1 through 26.

Renumber succeeding parts accordingly.

Renumber succeeding C.R.S. sections accordingly."

Page 305 of the journal, strike lines 1 through 25.

Page 309 of the journal, after line 57, insert the following:

"Page 58, after line 25, insert the following:

**REGIONAL PLANNING**

**24-63-601. Regional planning requirement.** A REGIONAL PLAN SUBJECT TO THIS PART 6 SHALL BE CREATED IN THE REGION COMPRISED OF THE MUNICIPALITIES AND COUNTIES THAT WERE MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1, 2001, OR THAT MAY BECOME MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AT ANY TIME THEREAFTER. THE CREATION OF A REGIONAL PLAN SUBJECT TO THIS PART 6 SHALL NOT BE REQUIRED IN ANY OTHER REGION OF THE STATE.

**24-63-602. Regional planning commission.** FOR THE DENVER REGION, THE REGIONAL PLANNING COMMISSION SHALL BE THE DENVER REGIONAL COUNCIL OF GOVERNMENTS. THREE REPRESENTATIVES OF THE OFFICE OF THE GOVERNOR, OR SUCH OTHER PERSONS SELECTED BY THE GOVERNOR AS HIS OR HER DESIGNEES, SHALL SERVE AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION.

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**24-63-603. Adoption of regional plan.** (1) NO LATER THAN JULY 1, 2002, THE LOCAL GOVERNMENTS THAT ARE MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS SHALL CREATE AND ADOPT A REGIONAL PLAN FOR THE DENVER REGION. IN ADDITION, BEFORE THAT DATE, THE LOCAL GOVERNMENTS IN THE REGION SHALL ESTABLISH PROCEDURES TO BE USED IN CONNECTION WITH THE ADOPTION OF THE REGIONAL PLAN AND ANY SUBSEQUENT AMENDMENTS TO THE PLAN.

(2) THE REGIONAL PLAN SHALL BECOME BINDING ONLY AFTER IT HAS BEEN ADOPTED BY MEMBERS OF THE COMMISSION REPRESENTING AT LEAST:

(a) TWO-THIRDS OF THE COUNTIES AND MUNICIPALITIES IN THE REGION; AND

(b) TWO-THIRDS OF THE POPULATION IN THE REGION, AS DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS. FOR PURPOSES OF THIS SUBSECTION (2), THE POPULATION OF A COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES IN THE UNINCORPORATED AREAS OF THE COUNTY.

**24-63-604. Contents of regional plan - regional issues.** (1) THE REGIONAL PLAN SHALL ONLY ADDRESS ISSUES THAT AFFECT MORE THAN ONE LOCAL GOVERNMENT IN THE REGION.

(2) THE REGIONAL PLAN SHALL INCLUDE A SET OF REGIONAL GOALS TO BE PURSUED IN CONNECTION WITH THE ORDERLY AND EFFICIENT DEVELOPMENT OF THE REGION AND A SET OF PLANS DESIGNED TO ACCOMPLISH THE REGIONAL GOALS. THE LOCAL GOVERNMENTS IN THE REGION SHALL NEGOTIATE WITH EACH OTHER REGARDING THEIR INDIVIDUAL RESPONSIBILITIES IN ACHIEVING THE REGIONAL GOALS. THE REGIONAL PLANNING COMMISSION SHALL COORDINATE THESE NEGOTIATIONS AND SHALL ENCOURAGE THE FAIR ALLOCATION OF RESPONSIBILITIES IN ACHIEVING THE REGIONAL GOALS AMONG THE LOCAL GOVERNMENTS IN THE REGION.

(3) THE REGIONAL PLAN SHALL ADDRESS REGIONAL GOALS AND PLANS WITH RESPECT TO EACH OF THE FOLLOWING ELEMENTS:

(a) AN ELEMENT ADDRESSING THE EXTENT OF FUTURE REGIONAL URBAN DEVELOPMENT, INCLUDING:

(I) THE GENERAL AMOUNT OF LAND NEEDED FOR FUTURE DEVELOPMENT WITHIN THE REGION GIVEN PROJECTIONS OF POPULATION AND JOB GROWTH;

(II) BUFFER AREAS SEPARATING URBAN AREAS WITHIN THE REGION; AND

(III) REGIONAL STRATEGIES TO PROMOTE CONSERVATION, OPEN SPACE, AND WILDLIFE HABITATS;

(b) A TRANSPORTATION ELEMENT THAT SHALL ADDRESS THE DEVELOPMENT AND USE OF MULTI-MODAL TRANSPORTATION SYSTEMS WITHIN THE REGION;

(c) A HOUSING ELEMENT THAT SHALL ADDRESS THE MANNER IN WHICH SUFFICIENT HOUSING TO ADDRESS SUCH NEEDS WITHIN THE REGION WILL BE PROVIDED OVER THE SUBSEQUENT TWENTY-YEAR PERIOD. THIS ELEMENT SHALL INCLUDE STRATEGIES TO PROMOTE THE DEVELOPMENT OF HOUSING FOR RESIDENTS IN THE REGION AND TO PROVIDE A RANGE OF HOUSING CHOICES IN THE REGION THAT ARE SUFFICIENT TO MEET THE NEEDS OF PERSONS IN THE REGION, INCLUDING THE NEEDS OF PERSONS NEWLY EMPLOYED IN THE REGION AND PERSONS OF VARIOUS INCOME LEVELS INCLUDING LOW AND MODERATE INCOMES, AND THAT ARE WITHIN REASONABLE DISTANCES OF THEIR PLACES OF EMPLOYMENT.

(d) AN ENVIRONMENTAL QUALITY ELEMENT THAT SHALL ADDRESS STRATEGIES RELATED TO WATER QUALITY WITHIN THE REGION AND, IN CONJUNCTION WITH THE REGIONAL AIR QUALITY COUNCIL, STRATEGIES RELATED TO AIR QUALITY; AND

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(e) ANY ADDITIONAL REGIONAL ELEMENTS THAT WILL FURTHER SERVE THE PURPOSES OF THIS PART 6.

(4) THE DENVER METROPOLITAN AREA PLAN MAY INCLUDE AGREEMENTS FOR THE SHARING OF REVENUE BETWEEN CONSENTING LOCAL GOVERNMENTS IN THE REGION.

(5) EACH ELEMENT OF THE DENVER METROPOLITAN AREA PLAN SHALL HAVE A PLANNING HORIZON OF TWENTY YEARS.

(6) ANY DISPUTES BETWEEN INDIVIDUAL LOCAL GOVERNMENTS IN THE REGION OR BETWEEN ANY LOCAL GOVERNMENT AND THE REGIONAL PLANNING COMMISSION RELATING TO THE CONTENTS OF THE REGIONAL PLAN, INCLUDING THE RESPONSIBILITIES OF LOCAL GOVERNMENTS UNDER THE PLAN, SHALL BE SUBJECT TO MEDIATION PURSUANT TO THE PROCEDURES SET FORTH IN PART 8 OF THIS ARTICLE.

(7) THE REGIONAL PLAN SHALL ADDRESS ISSUES IN THE REGION THAT ENCOMPASSES ALL GEOGRAPHIC AREAS WITHIN THE LOCAL GOVERNMENTS IN THE PLANNING AREA, INCLUDING AREAS WITHIN COUNTIES, MUNICIPALITIES, AND SPECIAL DISTRICTS. THE REGIONAL PLAN SHALL INCLUDE A MAP AT A SUITABLE SCALE THAT IS A GENERALIZED COMPOSITE OF ANY REGIONAL PLANS AND GOALS.

(8) THE LOCAL GOVERNMENTS IN THE REGION, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, SHALL ESTABLISH A PROCEDURE BY WHICH THEY SHALL MEASURE, PERIODICALLY AND NOT LESS THAN ONCE EVERY TWO YEARS, PROGRESS TOWARD ACHIEVEMENT OF THE GOALS ESTABLISHED IN THE REGIONAL PLAN.

(9) THE LOCAL GOVERNMENTS IN THE REGION MAY CONTINUE TO OPERATE UNDER THE PROVISIONS OF AN EXISTING REGIONAL PLAN CREATED BY THE DENVER REGIONAL COUNCIL OF GOVERNMENTS THAT ARE IN CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE UNTIL THE REGIONAL PLAN CREATED PURSUANT TO THIS PART 6 IS ADOPTED.

**24-63-605. Implementation of regional plan.** (1) AFTER THE LOCAL GOVERNMENTS HAVE CREATED AND ADOPTED THE REGIONAL PLAN IN ACCORDANCE WITH SECTIONS 24-63-603 AND 24-63-604, EACH LOCAL GOVERNMENT WITHIN THE REGION SHALL ENSURE THAT ITS MASTER PLAN IS CONSISTENT WITH THE REGIONAL PLAN.

(2) BEFORE THE ADOPTION OF THE REGIONAL PLAN, THE LOCAL GOVERNMENTS IN THE PLANNING REGION SHALL DEVELOP, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, A PROCESS FOR DETERMINING THE CONSISTENCY OF LOCAL MASTER PLANS WITH THE REGIONAL PLAN. SUCH PROCESS SHALL BE EFFECTIVE ONCE IT HAS NEGOTIATED BETWEEN OR AMONG THE LOCAL GOVERNMENTS IN THE REGION AND ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 24-63-603 (2). THE REGIONAL PLANNING COMMISSION MAY ESTABLISH AN EXPEDITED PROCEDURE BY WHICH A LOCAL PLANNING JURISDICTION MAY REQUEST AND RECEIVE AN OPINION FROM THE REGIONAL PLANNING COMMISSION AS TO WHETHER CERTAIN PROPOSED ACTIONS OR DECISIONS WOULD BE CONSISTENT WITH THE REGIONAL PLAN.

(3) AFTER THE LOCAL GOVERNMENTS IN THE PLANNING REGION HAVE ADOPTED THE REGIONAL PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 6, SUCH PLAN SHALL BE BINDING ON EACH LOCAL PLANNING JURISDICTION IN THE REGION. IF THE MASTER PLAN OF A LOCAL PLANNING JURISDICTION WITHIN THE REGION IS NOT CONSISTENT WITH THE REGIONAL PLAN, THE COUNTY OR MUNICIPALITY SHALL NOT BE ELIGIBLE TO RECEIVE MONEYS DISBURSED BY THE REGIONAL PLANNING COMMISSION OR STATE TRANSPORTATION MONEYS FOR LOCAL TRANSPORTATION PROJECTS.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE TRANSPORTATION PRIORITIES IDENTIFIED IN THE REGIONAL PLAN SHALL BE FOLLOWED BY THE COLORADO DEPARTMENT OF TRANSPORTATION UNLESS SUCH DEPARTMENT SPECIFICALLY DETERMINES THAT THERE IS A COMPELLING AND OVERRIDING STATE INTEREST THAT REQUIRES OTHERWISE.

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(5) NO UTILITY OR SPECIAL DISTRICT SHALL BE OBLIGATED BY THE REGIONAL PLAN TO PROVIDE ANY SERVICES THAT IT HAS NOT AGREED TO PROVIDE AS OF THE DATE OF THE ADOPTION OF THE REGIONAL PLAN WITHOUT A VOTE OF ITS GOVERNING BODY TO PROVIDE SUCH SERVICES NOR SHALL THE EXISTING AUTHORITY OF ANY UTILITY OR SPECIAL DISTRICT BE REDUCED BY THE REGIONAL PLAN.

**24-63-606. Periodic review and amendment of regional plan.**

(1) AFTER ADOPTION, THE REGIONAL PLAN SHALL BE REVIEWED AT LEAST ONCE EVERY FIVE YEARS THEREAFTER. IN THE REVIEW, THE LOCAL GOVERNMENTS IN THE REGION, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, SHALL REEVALUATE THE PLAN AS NECESSARY, BASED UPON NEW DATA AND PROJECTIONS, AND MAY AMEND THE PLAN TO REFLECT THE NEW DATA AND PROJECTIONS.

(2) ANY AMENDMENT TO THE REGIONAL PLAN SHALL NOT BE EFFECTIVE UNLESS APPROVED BY MEMBERS OF THE COMMISSION REPRESENTING AT LEAST:

(a) TWO-THIRDS OF THE POPULATION IN THE REGION AS DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS; AND

(b) TWO-THIRDS OF THE COUNTIES AND MUNICIPALITIES IN THE REGION. FOR PURPOSES OF THIS SUBSECTION (2), THE POPULATION OF A COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES IN THE UNINCORPORATED AREAS OF THE COUNTY.

Renumber succeeding parts accordingly.

Renumber succeeding C.R.S. sections accordingly."

Page 311 of the journal, after line 2, insert the following:

"Page 65, line 11, strike "24-63-102, 24-63-201 (1)," and substitute "24-63-102";

line 21, strike "AND EACH";

strike line 22;

line 23, strike the second "SHALL,";

line 4 of the journal, strike "Page 65,";

line 12 of the journal, strike "PARTIES."." and substitute "PARTIES. THE REGIONAL PLANNING COMMISSION MAY ADOPT DIFFERENT RULES GOVERNING SUCH ISSUES.".";

line 14 of the journal, strike "12." and substitute "12";

after line 14 of the journal, insert the following:

"line 13, strike "AND EACH REGIONAL PLANNING COMMISSION";

line 14, strike "CREATED PURSUANT TO THIS ARTICLE";

line 18, after "24-32-3209.", add "THE REGIONAL PLANNING COMMISSION MAY CREATE AND MAINTAIN A DIFFERENT LIST.".

Page 67, strike lines 3 through 15 and substitute the following:

"(5) IN ANY MEDIATION INVOLVING A DISPUTE BETWEEN TWO OR MORE COUNTIES OR MUNICIPALITIES, THE MEDIATOR SHALL BE SELECTED FROM THE LIST OF MEDIATORS MAINTAINED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO THIS ARTICLE; EXCEPT THAT, IN ANY MEDIATION ARISING OUT OF DISPUTE BETWEEN TWO OR MORE COUNTIES OR MUNICIPALITIES LOCATED IN A REGION FOR WHICH A REGIONAL PLAN HAS BEEN CREATED PURSUANT TO PART 6 OF THIS ARTICLE, WHERE THE REGIONAL PLANNING COMMISSION FOR THAT REGION HAS MAINTAINED A DIFFERENT LIST OF MEDIATORS PURSUANT TO SECTION 24-63-702 (3), THE MEDIATOR SHALL BE SELECTED FROM SUCH LIST OR SHALL BE SUCH OTHER

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BODY THAT THE COMMISSION SHALL DETERMINE IN THE EXERCISE OF ITS DISCRETION.";

line 17, strike "OR, IF THE";

strike lines 18 and 19."

Amendment No. 14 (L.039), by Senator Matsunaka.

Amend proposed Perlmutter floor amendment (SB148\_L.029), page 3, strike line 9 and substitute the following:

**"24-63-602. Regional planning commission - business advisory subcommittee.** (1) FOR THE DENVER";

after line 14, insert the following:

"(2) THE REGIONAL PLANNING COMMISSION SHALL ESTABLISH A BUSINESS ADVISORY SUBCOMMITTEE. THE SUBCOMMITTEE SHALL ADVISE AND OFFER RECOMMENDATIONS TO THE COMMISSION ON THE STATUS OF BUSINESS WITHIN THE REGION SO AS TO ENSURE ECONOMIC PROSPERITY IS MAINTAINED IN THE REGION."

Amendment No. 15 (L.054), by Senator Dyer (Durango).

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 528, strike line 24 and substitute the following:

"Page 312, line 2, strike "OIL AND GAS CORRIDORS" and substitute "MINERAL AND ENERGY RESOURCES";";

after line 24, insert the following:

"line 7, strike "OIL AND GAS" and substitute "MINERAL AND ENERGY";

line 8, strike "RESERVES;" and substitute "RESOURCES";";

line 14, strike "OIL OR GAS RESERVES" and substitute "MINERAL AND ENERGY RESOURCES";

line 22, strike "OIL AND GAS PRODUCTION" and substitute "MINERAL AND ENERGY DEVELOPMENT";";

strike line 39 and substitute the following:

"Page 312, line 31, strike "OIL AND GAS CORRIDORS" and substitute "MINERAL AND ENERGY RESOURCES";";

line 57, strike "BASIN, ." and substitute "BASIN, OR IN A BUFFER ZONE AROUND AN EXISTING MINE, ";";

after line 57, insert the following:

"line 72, strike "OIL AND GAS" and substitute "MINERAL AND ENERGY DEVELOPMENT".

Page 313, line 2, strike "OPERATIONS";";

line 59, strike "Page 313,."

Page 529, strike lines 7 through 9 and substitute the following:

**"34-60-205. Mineral and energy resources conservation fund.** (1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND, WHICH FUND SHALL BE ADMINISTERED";";

line 14, strike "ALL MONEYS" and substitute "MONEYS";

after line 34, insert the following:

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"after line 46, insert the following:

"(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, ANY MONEYS AS MAY BE APPROPRIATED TO THE FUND SHALL ONLY BE DISBURSED AS GRANTS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS WHERE THE ENERGY OR MINERAL PRODUCTION IS SUBJECT TO THE SEVERANCE TAX IMPOSED PURSUANT TO ARTICLE 29 OF TITLE 39, C.R.S.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, IN ANY GIVEN FISCAL YEAR, THE TOTAL AMOUNT OF ANY MONEYS AS MAY BE APPROPRIATED TO THE FUND TO BE DISBURSED AS GRANTS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS SHALL BE DIVIDED BETWEEN MONEYS FOR THE ACQUISITION OF OIL AND GAS BASINS AND MONEYS FOR THE ACQUISITION OF BUFFER ZONES AROUND EXISTING MINES IN PROPORTION TO THE AGGREGATE AMOUNT OF THE SEVERANCE TAX PAID DURING THAT FISCAL YEAR BY THE OIL AND GAS INDUSTRY AND THE MINING INDUSTRY."";

strike line 36 and substitute the following:

"strike lines 51 and 52 and substitute the following:

"MADE FROM ANY COMBINATION OF MONEYS IN THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205 AND";

line 47, strike "OIL AND GAS BASINS" and substitute "MINERAL AND ENERGY RESOURCES";

line 53 of the committee amendment, strike "OIL AND GAS BASINS" and substitute "MINERAL AND ENERGY RESOURCES";

line 68 of the committee amendment, strike "OIL AND GAS BASINS" and substitute "MINERAL AND ENERGY RESOURCES".

Page 530, line 2, strike "OIL AND GAS BASINS" and substitute "MINERAL AND ENERGY RESOURCES";

strike line 44 and substitute the following:

"Page 314, line 12, strike "oil and gas corridors" and substitute "mineral and energy resources";

line 46, strike ""five" and substitute ""two million five hundred thousand";

strike line 47 and substitute the following:

"dollars (\$2,500,000),";

strike line 49 and substitute the following:

"strike lines 17 and 18 and substitute the following:

"(2) (a) In addition to any other appropriation, there is hereby appropriated out of any moneys in the mineral and energy resources conservation";

line 55, strike ""five" and substitute ""two million five hundred thousand";

line 56, strike "million dollars (\$5,000,000)" and substitute "dollars (\$2,500,000)";

strike line 58 and substitute the following:

"line 24, strike "act." and substitute the following:

"act.

(b) On or after November 1, 2001, any moneys appropriated out of the mineral and energy resources conservation fund pursuant to

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paragraph (a) of this subsection (2) to the department of natural resources shall be transferred to such department for the implementation of this act." .

Amendment No. 16 (L.055), by Senator Hillman.

Amend the Public Policy and Planning committee amendment, as printed in Senate Journal, February 15, page 308, strike lines 11 and 12 and substitute the following:

"SEVENTY-FIVE PERCENT OF THE LAND IS PRESERVED AS EITHER NATURALLY PRODUCTIVE OR AS CONSERVATION AND OPEN SPACE LAND;" .

Amendment No. 17 (L.028), by Senator Hillman.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 306, after line 57, insert the following:

"Page 41, line 2, after "(h)", insert "(I)";";

line 59, strike "Page 41,";

line 62, strike "PROTECTION." ." and substitute the following:

"PROTECTION.

"(II) (A) THE ENVIRONMENTAL QUALITY ELEMENT SHALL INCLUDE AN ASSESSMENT OF THE NATURE AND EXTENT OF THREATENED OR ENDANGERED SPECIES SUBSISTING WITHIN THE LOCAL PLANNING JURISDICTION. SUCH ASSESSMENT SHALL INCLUDE, WITHOUT LIMITATION, AN INVENTORY OF EXISTING SPECIES HABITAT. IN CONNECTION WITH SUCH ASSESSMENT, THE LOCAL PLANNING COMMISSION SHALL IDENTIFY ANY SUCH HABITAT THAT IS LOCATED WITHIN THE JURISDICTION'S URBAN SERVICE AREA DESIGNATED PURSUANT TO SECTION 24-63-404.

(B) UPON THE IDENTIFICATION BY THE COMMISSION OF ANY THREATENED OR ENDANGERED SPECIES HABITAT IN ACCORDANCE WITH THE REQUIREMENTS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THE LOCAL PLANNING JURISDICTION SHALL MAKE PROVISION FOR THE RELOCATION OF SUCH COTERIES FROM OR WITHIN ITS URBAN SERVICE AREA. IN CONNECTION WITH SUCH RELOCATION, THE JURISDICTION SHALL ACT IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 35-7-204, C.R.S." .

Page 314, after line 6, insert the following:

"SECTION 7. Part 2 of article 7 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-7-204. Control procedures - notice - assessments - protests.**

(1) IF A DESTRUCTIVE RODENT PEST WAS RELEASED WITHIN A COUNTY UPON PRIVATELY OWNED LAND BY THE OWNER, LESSEE, OR OCCUPANT OF THE LAND, OR WITH THE APPROVAL OF SUCH PERSON, AND SUCH PEST BECOMES A NUISANCE TO ADJACENT LANDOWNERS, THE COUNTY SHALL GIVE NOTICE TO THE LANDOWNER AND THE LESSEE OR OCCUPANT ADVISING OF THE RODENT NUISANCE AND REQUESTING THAT SUCH PERSON OR AGENT OF SUCH PERSON ABATE THE RODENT NUISANCE. SUCH NOTICE SHALL BE IN WRITING AND DELIVERED IN PERSON OR BY MAIL ADDRESSED TO SUCH OWNER'S, LESSEE'S, OR OCCUPANT'S LAST-KNOWN PLACE OF RESIDENCE. FAILURE TO RECEIVE SUCH NOTICE SHALL NOT CONSTITUTE A DEFENSE TO THE ASSESSMENT OF A LIEN AGAINST THE PROPERTY, AS PROVIDED IN THIS SECTION, FOR THE EXPENSE OF THE ABATEMENT OF SUCH RODENT NUISANCE.

(2) IF A LANDOWNER, LESSEE, OCCUPANT, OR AGENT REFUSES TO ABATE THE RODENT NUISANCE, THE BOARD OF COUNTY COMMISSIONERS MAY ENTER UPON SUCH LANDS TO EFFECT THE ABATEMENT OF THE RODENT NUISANCE.

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(3) (a) UPON ABATEMENT OF THE RODENT NUISANCE BY THE BOARD OF COUNTY COMMISSIONERS AS REQUIRED IN SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL NOTIFY OR CAUSE TO BE NOTIFIED THE LANDOWNER, BY CERTIFIED MAIL, AT THE ADDRESS SHOWN ON THE RECORDS OF THE COUNTY ASSESSOR, OR BY ONE PUBLICATION IN A NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE COUNTY, AS TO THE AMOUNT DUE, FURNISHING AN ITEMIZED STATEMENT OF THE EXPENSES, AND STATING THAT, IF THE AMOUNT OF SUCH STATEMENT IS NOT PAID TO THE COUNTY TREASURER OF THE COUNTY WHEREIN THE REAL ESTATE IS LOCATED WITHIN THIRTY DAYS AFTER THE DATE OF SUCH NOTICE, THE AMOUNT THEREOF WILL BE ASSESSED AS A LIEN UPON SUCH REAL ESTATE. SUCH LIEN SHALL NOT BE IN EXCESS OF THE VALUATION FOR ASSESSMENT OF SUCH REAL ESTATE.

(b) A COPY OF THE FINAL STATEMENT OF EXPENSES FURNISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE FILED WITH THE COUNTY ASSESSOR. IF THE AMOUNT OF THE STATEMENT IS NOT PAID WITHIN THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE NOTICE CONTAINING SUCH STATEMENT, OR WITHIN THIRTY DAYS AFTER THE FINDINGS OR CHANGES RESULTING FROM A PROTEST IF A PROTEST IS FILED PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE COUNTY ASSESSOR MAY ADD THE AMOUNT TO THE ASSESSMENT ROLLS, AND SUCH ASSESSMENT SHALL THEREON BECOME A PART OF THE GENERAL TAXES AND CONSTITUTE A LIEN AGAINST THE ENTIRE CONTIGUOUS TRACT OR ANY IMPROVEMENTS ON SUCH TRACT. THE ASSESSMENT SHALL THEREAFTER BECOME DUE IN THE SAME MANNER AND BE COLLECTED IN THE SAME MANNER AS THE GENERAL AD VALOREM PROPERTY TAX; EXCEPT THAT NOT MORE THAN FIVE PERCENT OF THE TOTAL VALUATION FOR ASSESSMENT OF THE ENTIRE CONTIGUOUS TRACT OF LAND SHALL BE SPREAD ON THE TAX ROLLS AGAINST SUCH LAND IN ANY ONE YEAR. ANY AMOUNT IN EXCESS OF THE FIVE PERCENT LIMITATION REMAINING UNPAID MAY BE CARRIED OVER AND CHARGED ON THE TAX ROLL OF THE SUCCEEDING YEARS, AND ANY UNPAID BALANCE SO CARRIED OVER SHALL BEAR INTEREST AT THE RATE OF SIX PERCENT PER ANNUM UNTIL PAID. ALL OF THE PROVISIONS OF THE GENERAL LAWS FOR THE ENFORCEMENT OF THE COLLECTION OF TAXES SHALL BE APPLICABLE AFTER THE EXTENSION BY THE COUNTY ASSESSOR.

(4) IF ANY LANDOWNER WITHIN THE DISTRICT IS DISSATISFIED WITH AN ITEMIZED STATEMENT OF EXPENSE FURNISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE LANDOWNER MAY, WITHIN THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE ACCOUNT SHOWING SUCH CHARGE, FILE A WRITTEN PROTEST WITH THE BOARD OF COUNTY COMMISSIONERS. NOT LATER THAN TEN DAYS AFTER THE FILING OF SUCH PROTEST, THE BOARD OF COUNTY COMMISSIONERS SHALL FIX A TIME AND PLACE FOR HEARING ON THE PROTEST FILED, TO BE HELD NOT LESS THAN TEN DAYS NOR MORE THAN THIRTY DAYS AFTER THE DATE OF NOTICE OF THE HEARING, AND IMMEDIATELY AFTER SUCH HEARING THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE WRITTEN FINDINGS AND SUCH CHANGES IN THE ASSESSMENT AS MAY BE DETERMINED TO CONFORM WITH SUCH FINDINGS."

Renumber succeeding section accordingly.

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

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 (**HB01-1238, HB1236, HB01-1210, HB01-1275, HB01-1283, HB01-1348, HB01-1096, HB01-1025, HB01-1321, HB01-1132, HB01-1286, HB01-1160, HB01-1297, SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-061, SB01-134, SB01-149, SB01-121**) of Thursday, March 22, 2001, was laid over until Friday, March 23, 2001, retaining its place on the calendar.

**AMENDMENTS TO THE COMMITTEE OF THE WHOLE**

SB01-148

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

**SB01-148**

Senator Phillips moved to amend the Report of the Committee of the Whole to show that the following Phillips floor amendment, (L.043) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 528, strike lines 12 through 22.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 310, strike lines 70 through 72 and substitute the following:

"Page 64, strike lines 16 through 27.

Page 65, strike line 1;"

Page 311 of the journal, strike line 2;

line 4, strike "Page 65,"

The amendment was declared **adopted** by viva voce vote.

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Musgrave moved to amend the Report of the Committee of the Whole to show that the following Musgrave floor amendment, (L.037) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 527, strike lines 15 through 29.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 303, strike lines 56 through 62;

line 64, strike "Page 14,"

Page 305 of the journal, strike lines 66 and 67;

line 69, strike "line" and substitute "Page 37, line".

Page 306 of the journal, strike lines 47 through 57.

Page 307of the journal, strike lines 8 through 13.

Renumber succeeding subsection accordingly.

Page 307 of the journal, strike lines 24 through 72 and substitute the following:

"strike lines 16 through 27.".

Page 308 of the journal, strike lines 1 through 70.

Page 309 of the journal, strike lines 32 through 51 and substitute the following:

"Page 53, strike lines 11 through 27.".

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

| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

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**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.019) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 525, strike lines 44 through 71 and substitute the following:

"in Senate Journal, February 15, page 305, after line 47, insert the following:".

Page 526 of the committee amendment, strike lines 1 through 9.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 303, after line 62, insert the following:

"Page 15, strike lines 1 through 13.

Reletter succeeding paragraphs accordingly."

Page 304 of the committee amendment, strike lines 20 through 71 and substitute the following:

"Page 17, strike lines 8 through 27.

Strike pages 18 through 28.

Page 29, strike lines 1 through 26.

Renumber succeeding parts accordingly.

Renumber succeeding C.R.S. sections accordingly."

Page 305 of the Public Policy and Planning Committee amendment, strike lines 1 through 25.

Page 311 of the Public Policy and Planning Committee amendment, after line 2, insert the following:

"Page 65, line 21, strike "AND EACH";

strike line 22;

line 23, strike the first "SHALL,"";

line 4 of the Public Policy and Planning Committee amendment, strike "Page 65,"";

line 14 of the Public Policy and Planning Committee amendment, strike "12." and substitute "12;"

after line 14 of the Public Policy and Planning Committee amendment, insert the following:

"line 13, strike "AND EACH REGIONAL PLANNING COMMISSION";

line 14, strike "CREATED PURSUANT TO THIS ARTICLE";

strike lines 24 through 27 and substitute "THE CHALLENGED ACTION, DECISION, OR OMISSION."

Page 67, strike lines 1 through 11 and substitute the following:

"(5) IN ANY MEDIATION BROUGHT PURSUANT TO THIS PART 7,";

line 17, strike "OR, IF THE";

strike lines 18 and 19."

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

| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.020) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 527, strike lines 48 through 72.

Page 528, strike lines 1 through 12 and substitute the following:

"Page 310, strike line 70 and substitute the following:".

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 309, strike lines 59 through 72 and substitute the following:

Strike pages 59 through 63.

Page 64, strike lines 1 through 15 and substitute the following:

**"24-63-601. Schedule for processing development applications in connection with land within urban service areas.** (1) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, EACH PLANNING JURISDICTION SHALL PROCESS AND MAKE A FINAL DECISION WITH RESPECT TO ANY DEVELOPMENT APPLICATION RELATING TO ANY LAND WITHIN A DESIGNATED URBAN SERVICE AREA IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(a) IN THE CASE OF AN APPLICATION OR RELATED GROUP OF APPLICATIONS THAT INCLUDE A REZONING FROM THE TIME A PLANNING JURISDICTION RECEIVES THE APPLICATION, IN COMPLETE AND CORRECT FORM, THROUGH CONSIDERATION AND ACTION ON THE FINAL DEVELOPMENT PLAN AND FINAL PLAT, OR ON SUCH OTHER APPLICATION THAT CONSTITUTES THE LAST DISCRETIONARY REVIEW REQUIRED UNDER THE LAND DEVELOPMENT REGULATIONS PRIOR TO OBTAINING A BUILDING PERMIT, THE APPLICATION SHALL BE PROCESSED AND A FINAL DECISION SHALL BE MADE WITHIN ONE HUNDRED EIGHTY DAYS IN AN AREA DESIGNATED AS URBANIZED LAND AND TWO HUNDRED FORTY DAYS IN AN AREA DESIGNATED AS URBANIZING LAND. FOR PURPOSES OF THIS SUBSECTION (1), AN APPLICATION FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT SHALL CONSTITUTE AN APPLICATION FOR REZONING.

(b) IN THE CASE OF AN APPLICATION OR RELATED GROUP OF APPLICATIONS THAT DOES NOT INCLUDE A REZONING BUT INCLUDES CONSIDERATION OF A SKETCH PLAN OR PRELIMINARY PLAT, FROM THE TIME A PLANNING JURISDICTION RECEIVES THE APPLICATION, IN COMPLETE AND CORRECT FORM, THROUGH CONSIDERATION AND ACTION ON THE FINAL DEVELOPMENT PLAN AND FINAL PLAT, OR ON SUCH OTHER APPLICATION THAT CONSTITUTES THE LAST DISCRETIONARY REVIEW REQUIRED UNDER THE LAND DEVELOPMENT REGULATIONS PRIOR TO OBTAINING A BUILDING PERMIT, THE APPLICATION SHALL BE PROCESSED AND A FINAL DECISION SHALL BE MADE WITHIN ONE HUNDRED THIRTY-FIVE DAYS IN AN AREA DESIGNATED AS URBANIZED LAND AND ONE HUNDRED EIGHTY DAYS IN AN AREA DESIGNATED AS URBANIZING LAND.

(c) IN THE CASE OF AN APPLICATION OR RELATED GROUP OF APPLICATIONS THAT DOES NOT INCLUDE A REZONING OR CONSIDERATION OF A SKETCH PLAN OR PRELIMINARY PLAT, FROM THE TIME A PLANNING

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JURISDICTION RECEIVES THE APPLICATION, IN COMPLETE AND CORRECT FORM, THROUGH CONSIDERATION AND ACTION ON THE FINAL DEVELOPMENT PLAN AND FINAL PLAT, OR ON SUCH OTHER APPLICATION THAT CONSTITUTES THE LAST DISCRETIONARY REVIEW REQUIRED UNDER THE LAND DEVELOPMENT REGULATIONS PRIOR TO OBTAINING A BUILDING PERMIT, THE APPLICATION SHALL BE PROCESSED AND A FINAL DECISION SHALL BE MADE WITHIN NINETY DAYS IN AN AREA DESIGNATED AS URBANIZED LAND AND ONE HUNDRED TWENTY DAYS IN AN AREA DESIGNATED AS URBANIZING LAND.

(2) WITH RESPECT TO EACH TYPE OF DEVELOPMENT APPLICATION DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF SUBSECTION (1) OF THIS SECTION, EACH PLANNING JURISDICTION SHALL SPECIFY IN DETAIL IN ITS LAND DEVELOPMENT REGULATIONS ALL ITEMS REQUIRED TO BE SUBMITTED FOR A COMPLETE DEVELOPMENT APPLICATION. SUCH ITEMS SHALL CONSIST ONLY OF THOSE ITEMS THAT ARE REASONABLY NECESSARY FOR A REVIEW OF THE DEVELOPMENT APPLICATION.

(3) THE MAXIMUM PROCESSING TIMES SET FORTH IN SUBSECTION (1) OF THIS SECTION SHALL BE TOLLED:

(a) IN THE CASE OF A PLANNING JURISDICTION THAT IS A COUNTY, FROM THE TIME IT REFERS ANY DEVELOPMENT APPLICATION TO A MUNICIPALITY PURSUANT TO SECTION 24-63-502 (1) UNTIL THE APPLICATION HAS RETURNED TO THE PLANNING JURISDICTION;

(b) FROM THE TIME A PLANNING JURISDICTION ADVISES AN APPLICANT IN WRITING THAT A DEVELOPMENT APPLICATION IS EITHER INCOMPLETE OR INCORRECT UNTIL SUCH TIME AS THE REQUIRED ITEMS HAVE BEEN COMPLETED OR THE REQUIRED CORRECTIONS MADE; AND

(c) WITH RESPECT TO ANY DEVELOPMENT THAT REQUIRES A SERIES OF APPROVALS, SUCH AS A PRELIMINARY PLAT OR PRELIMINARY DEVELOPMENT PLAN, FOLLOWED BY A FINAL PLAT OR FINAL DEVELOPMENT PLAN, FROM THE TIME THE FIRST APPROVAL IS RECEIVED UNTIL SUCH TIME AS A COMPLETE AND CORRECT APPLICATION IS SUBMITTED FOR SUBSEQUENT APPROVAL.

(4) WITH RESPECT TO ANY DEVELOPMENT APPLICATION THAT REQUIRES REFERRAL TO AND A RESPONSE FROM A STATE OR FEDERAL AGENCY, IF THE AGENCY FAILS TO RESPOND PRIOR TO THE TIME THE PLANNING JURISDICTION WOULD OTHERWISE BE REQUIRED TO ACT UNDER THIS SECTION, THE MAXIMUM PROCESSING TIMES SET FORTH IN SUBSECTION (1) OF THIS SECTION SHALL BE EXTENDED FOR A REASONABLE TIME FOLLOWING THE ACTUAL RECEIPT OF A RESPONSE FROM THE AGENCY.

(5) THE MAXIMUM PROCESSING TIMES SET FORTH IN THIS SECTION SHALL NOT APPLY TO ANY APPLICATION OF A PUBLIC UTILITY PROVIDING ELECTRIC OR NATURAL GAS SERVICE THAT RELATES TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRICAL OR NATURAL GAS FACILITIES IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-108, C.R.S.

**24-63-602. Development applications within an urban service area.**

(1) WITH RESPECT TO LAND LOCATED WITHIN AN URBAN SERVICE AREA THAT HAS BEEN DESIGNATED IN THE MASTER PLAN FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT OR MULTI-FAMILY RESIDENTIAL DEVELOPMENT, A PLANNING JURISDICTION SHALL APPROVE A DEVELOPMENT APPLICATION OR RELATED GROUP OF APPLICATIONS FOR THE USE SO DESIGNATED AT THE MINIMUM DENSITIES SET FORTH IN THIS SUBSECTION (1) OR SUCH LOWER DENSITY AS THE APPLICANT MAY REQUEST UNLESS IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT SUCH APPLICATION OR GROUP OF APPLICATIONS WOULD VIOLATE OBJECTIVE CRITERIA OF THE JURISDICTION'S LAND DEVELOPMENT REGULATIONS OTHER THAN CRITERIA GOVERNING USE AND DENSITY. THE FOLLOWING MINIMUM DENSITIES SHALL APPLY:

(a) IF A DENSITY IS SPECIFIED IN THE MASTER PLAN, THE SPECIFIED DENSITY;

(b) IF NO DENSITY IS SPECIFIED IN THE MASTER PLAN AND THE

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SUBJECT PROPERTY IS CONTIGUOUS ON NOT LESS THAN FIFTY PERCENT OF ITS PERIMETER TO OTHER SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS, IN THE CASE OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT APPLICATIONS, OR TO OTHER MULTI-FAMILY RESIDENTIAL DEVELOPMENTS, IN THE CASE OF MULTI-FAMILY RESIDENTIAL DEVELOPMENT APPLICATIONS, A MINIMUM DENSITY EQUAL TO THE AVERAGE OF THE DENSITY IN THE CONTIGUOUS SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS OR MULTI-FAMILY PROJECTS, AS APPLICABLE; AND

(c) IF NEITHER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1) APPLY, A MINIMUM DENSITY EQUAL TO THE AVERAGE DENSITY OF ALL SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS, IN THE CASE OF A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT APPLICATION, OR ALL MULTI-FAMILY RESIDENTIAL DEVELOPMENTS, IN THE CASE OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT APPLICATION, ALL OR PART OF WHICH ARE WITHIN ONE MILE OF THE PERIMETER OF THE SUBJECT PROPERTY, OR IF THERE ARE MORE THAN FIVE SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS OR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITHIN SUCH DISTANCE, THE AVERAGE DENSITY OF THE FIVE USES NEAREST TO THE LANDOWNER'S PROPERTY.

(2) THE PROVISIONS OF THIS SUBSECTION (2) SHALL APPLY IF THE LAND DEVELOPMENT REGULATIONS OF A PLANNING JURISDICTION CONTAIN PROVISIONS REGULATING THE INTENSITY OF USE WITH RESPECT TO ANY LIGHT INDUSTRIAL, HEAVY INDUSTRIAL, OFFICE, RETAIL, OR MIXED USE. WITH RESPECT TO LAND WITHIN AN URBAN SERVICE AREA THAT HAS BEEN DESIGNATED IN THE JURISDICTION'S MASTER PLAN FOR LIGHT INDUSTRIAL, HEAVY INDUSTRIAL, OFFICE, RETAIL, OR MIXED USE DEVELOPMENT, A PLANNING JURISDICTION SHALL APPROVE A DEVELOPMENT APPLICATION OR RELATED GROUP OF APPLICATIONS FOR THE USE SO DESIGNATED AT THE MINIMUM INTENSITIES SET FORTH IN THIS SUBSECTION (2) OR SUCH LOWER INTENSITY AS THE APPLICANT OR GROUP OF APPLICANTS MAY REQUEST UNLESS IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT SUCH APPLICATION OR APPLICATIONS WOULD VIOLATE OBJECTIVE CRITERIA OF THE JURISDICTION'S LAND DEVELOPMENT REGULATIONS OTHER THAN CRITERIA GOVERNING USE AND INTENSITY. THE FOLLOWING MINIMUM INTENSITIES SHALL APPLY TO SUCH APPLICATIONS:

(a) IF AN INTENSITY IS SPECIFIED IN THE MASTER PLAN, THE SPECIFIED INTENSITY;

(b) IF NO INTENSITY IS SPECIFIED IN THE MASTER PLAN AND THE SUBJECT PROPERTY IS CONTIGUOUS ON NOT LESS THAN FIFTY PERCENT OF ITS PERIMETER TO USES WITHIN THE SAME USE CATEGORY AND SIZE CATEGORY AS THE PROPOSED USE, A MINIMUM INTENSITY EQUAL TO THE AVERAGE OF THE INTENSITY IN SUCH CONTIGUOUS USES;

(c) IF NEITHER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (2) APPLY, A MINIMUM INTENSITY EQUAL TO THE AVERAGE INTENSITY OF ALL USES WITHIN THE SAME USE CATEGORY AND SIZE CATEGORY AS THE PROPOSED USE, ALL OR PART OF WHICH ARE WITHIN ONE MILE OF THE PERIMETER OF THE SUBJECT PROPERTY, OR IF THERE ARE MORE THAN FIVE SUCH USES WITHIN SUCH DISTANCE, THE AVERAGE DENSITY OF THE FIVE USES NEAREST TO THE LANDOWNER'S PROPERTY.

(2.1) FOR PURPOSES OF PARAGRAPHS (b) AND (c) OF SUBSECTION(2) OF THIS SECTION, THERE SHALL BE TWO SIZE CATEGORIES:

(a) THOSE DEVELOPMENTS THAT HAVE MORE THAN FIFTY THOUSAND SQUARE FEET OF GROSS FLOOR AREA; AND

(b) THOSE DEVELOPMENTS THAT HAVE FIFTY THOUSAND SQUARE FEET OR LESS OF GROSS FLOOR AREA AS MEASURED PURSUANT TO THE PLANNING JURISDICTION'S LAND DEVELOPMENT REGULATIONS.

(3) FOR PURPOSES OF SUBSECTIONS (1) AND (2) OF THIS SECTION, CONTIGUITY SHALL BE MEASURED IN THE MANNER PRESCRIBED IN THE "MUNICIPAL ANNEXATION ACT OF 1965", PART 1 OF ARTICLE 12 OF TITLE 31, C.R.S.

(4) (a) WITHIN AN URBANIZED AREA, A PLANNING JURISDICTION

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SHALL NOT IMPOSE ANY LEVEL-OF-SERVICE REQUIREMENT AS A CONDITION OF APPROVAL OF A DEVELOPMENT APPLICATION.

(b) WITHIN AN URBANIZING AREA, A PLANNING JURISDICTION MAY IMPOSE A LEVEL-OF-SERVICE REQUIREMENT AS A CONDITION TO APPROVAL OF A DEVELOPMENT APPLICATION WHERE THE LEVEL OF SERVICE REQUIRED TO BE SATISFIED FOR ANY ITEM OF INFRASTRUCTURE OR CAPITAL FACILITIES SHALL NOT BE HIGHER THAN THAT LEVEL OF SERVICE THEN ACTUALLY EXISTING WITHIN THE PLANNING JURISDICTION FOR SUCH ITEM OF INFRASTRUCTURE OR CAPITAL FACILITIES.

(5) (a) WITHIN AN URBANIZED AREA, A PLANNING JURISDICTION MAY CONDITION APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT TO ADDRESS THE IMPACT OF THE PROPOSED DEVELOPMENT ON PUBLIC INFRASTRUCTURE AND CAPITAL FACILITIES OWNED AND USED BY THE PLANNING JURISDICTION IN PROVIDING GOVERNMENTAL SERVICES THAT THE PLANNING JURISDICTION IS OBLIGATED TO PROVIDE ONLY WHERE THE IMPACTS ARE SPECIFICALLY AND UNIQUELY ATTRIBUTABLE TO THE PROPOSED DEVELOPMENT.

(b) WITHIN AN URBANIZING AREA, A PLANNING JURISDICTION MAY CONDITION APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT TO ADDRESS THE IMPACT OF THE PROPOSED DEVELOPMENT ON PUBLIC INFRASTRUCTURE AND CAPITAL FACILITIES OWNED AND USED BY THE PLANNING JURISDICTION IN PROVIDING GOVERNMENTAL SERVICES THAT THE PLANNING JURISDICTION IS OBLIGATED TO PROVIDE ONLY:

(I) TO THE EXTENT THAT THERE IS AN ESSENTIAL NEXUS BETWEEN THE PROPOSED DEVELOPMENT AND THE PURPOSE FOR WHICH THE PAYMENT OR DEDICATION IS NECESSARY; AND

(II) WHERE THE PAYMENT OR DEDICATION IS ROUGHLY PROPORTIONAL TO THE IMPACT CAUSED BY THE PROPOSED DEVELOPMENT.

(c) ANY PAYMENTS COLLECTED BY A PLANNING JURISDICTION PURSUANT TO OR IN ACCORDANCE WITH THIS SUBSECTION (5) SHALL BE COLLECTED AND DISBURSED IN ACCORDANCE WITH THE PROVISIONS OF PART 8 OF ARTICLE 1 OF TITLE 29, C.R.S.

(d) NOTHING CONTAINED IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO LIMIT THE ABILITY OF A PLANNING JURISDICTION TO COLLECT AND REMIT TO ANOTHER LOCAL GOVERNMENT OR QUASI-GOVERNMENTAL ENTITY ANY PAYMENT THAT THE OTHER GOVERNMENT OR ENTITY HAS THE AUTHORITY TO IMPOSE.

(6) WITHIN AN URBANIZING AREA, A PLANNING JURISDICTION MAY PLAN FOR AND EXTEND THE INFRASTRUCTURE AND CAPITAL FACILITIES NECESSARY TO PROVIDE URBAN SERVICES IN AN ORDERLY MANNER IN ACCORDANCE WITH THE INFRASTRUCTURE AND CAPITAL FACILITIES ELEMENT OF ITS MASTER PLAN. TO THE EXTENT A LANDOWNER OR APPLICANT IN AN URBANIZING AREA DESIRES TO DEVELOP PRIOR TO SUCH A TIME AS THE NECESSARY INFRASTRUCTURE AND CAPITAL FACILITIES HAVE BEEN EXTENDED TO ADJACENT PROPERTIES OR RIGHTS-OF-WAY, A PLANNING JURISDICTION MAY CONDITION APPROVAL OF A DEVELOPMENT APPLICATION UPON A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT IN EXCESS OF THE LIMITATIONS SET FORTH IN SUBSECTION (5) OF THIS SECTION AND MAY ENTER INTO AN AGREEMENT WITH THE LANDOWNER OR APPLICANT PROVIDING FOR PARTIAL REIMBURSEMENT OF THE LANDOWNER OR APPLICANT FROM OTHER APPLICANTS WHO RECEIVE A BENEFIT FROM THE ADDITIONAL PAYMENT OR DEDICATION REQUIREMENT IMPOSED UPON THE LANDOWNER OR APPLICANT."."

Page 310 of the journal, strike lines 1 through 68.

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

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| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

SB01-148

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.021) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 527, strike lines 31 through 46.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 309, strike lines 6 through 57 and substitute the following:

"Page 50, strike lines 22 through 27 and substitute the following:

**"24-63-404. Urban service area.** (1) ANY URBAN SERVICE AREA ESTABLISHED PURSUANT TO THIS SECTION SHALL CONTAIN NOT LESS THAN THE LAND AREAS, DENSITIES, AND INTENSITIES OF LAND USE THAT ARE SUFFICIENT TO ACCOMMODATE THE GREATER OF:

(a) BETWEEN ONE HUNDRED FIFTEEN AND ONE HUNDRED TWENTY-FIVE PERCENT OF THE POPULATION GROWTH THAT THE PLANNING JURISDICTION HAS PROJECTED TO OCCUR IN THE PLANNING JURISDICTION FOR THE SUCCEEDING TWENTY-YEAR PERIOD; OR

(b) TO THE EXTENT THE PLANNING JURISDICTION HAS PROJECTED THE CREATION OF NEW JOBS WITHIN THE JURISDICTION FOR THE SUCCEEDING TWENTY-YEAR PERIOD:

(I) BETWEEN ONE HUNDRED FIFTEEN AND ONE HUNDRED TWENTY-FIVE PERCENT OF THE DEVELOPMENT PROJECTED TO PROVIDE SUCH NEW JOBS; AND

(II) BETWEEN ONE HUNDRED FIFTEEN AND ONE HUNDRED TWENTY-FIVE PERCENT OF THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT NECESSARY TO ACCOMMODATE AND PROVIDE HOUSING, COMMERCIAL GOODS, AND SERVICES FOR THE HOLDERS OF THE PROJECTED NEW JOBS.

(2) ANY LAND WITHIN AN URBAN SERVICE AREA SHALL BE DIVIDED INTO THE FOLLOWING SUBCATEGORIES:

(a) URBANIZED LAND THAT INCLUDES THOSE LAND AREAS THAT ARE ALREADY CHARACTERIZED BY URBAN GROWTH AND THAT GENERALLY HAVE ADEQUATE EXISTING URBAN SERVICES; AND

(b) URBANIZING LAND THAT INCLUDES ANY LAND WITHIN AN URBAN SERVICE AREA THAT IS NOT URBANIZED LAND.

(3) EACH PLANNING JURISDICTION, THE MASTER PLAN OF WHICH CONTAINS AN URBAN SERVICE AREA, SHALL:

(a) ESTABLISH AND MAINTAIN A LAND MARKET MONITORING SYSTEM PURSUANT TO SECTION 24-63-406;

(b) EVALUATE THE NEED TO AMEND SUCH URBAN SERVICE AREA, ITS MASTER PLAN, AND ITS LAND DEVELOPMENT REGULATIONS:

(I) AT LEAST ONCE EVERY FIVE YEARS; OR

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(II) WHEN SUCH URBAN SERVICE AREA DOES NOT CONTAIN SUFFICIENT LAND TO SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION; AND

(c) TAKE OTHER NECESSARY IMPLEMENTING ACTIONS, INCLUDING, WITHOUT LIMITATION, RESTRICTIONS ON THE PROVISION OF URBAN SERVICES TO ENSURE THAT URBAN GROWTH OCCURS WITHIN THE URBAN SERVICE AREA.

(4) A PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL NOT DESIGNATE TWO SEPARATE URBAN SERVICE AREAS THAT ARE NOT CONTIGUOUS TO ONE ANOTHER.

(5) NO PORTION OF A PLANNING JURISDICTION'S URBAN SERVICE AREA MAY CONSIST SOLELY OF A PORTION OF A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY WITHOUT ALSO INCLUDING PROPERTY ABUTTING SUCH STREET, ALLEY, RIGHT-OF-WAY OR AREA, LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY ON AT LEAST ONE SIDE.

(6) IF ANY PORTION OF A SUBDIVISION THAT CONSISTS OF ONLY ONE FILING IS INCLUDED WITHIN AN URBAN SERVICE AREA, THE ENTIRE SUBDIVISION SHALL BE INCLUDED WITHIN THE URBAN SERVICE AREA. IF ANY PORTION OF A FILING WITHIN A SUBDIVISION THAT CONSISTS OF MULTIPLE FILINGS IS INCLUDED WITHIN AN URBAN SERVICE AREA, THE ENTIRE FILING SHALL BE INCLUDED WITHIN THE URBAN SERVICE AREA.

(7) IF ANY PORTION OF A PARCEL OF REAL PROPERTY UNDER COMMON OWNERSHIP IS INCLUDED WITHIN AN URBAN SERVICE AREA, THEN THE ENTIRE PARCEL OF REAL PROPERTY SHALL BE INCLUDED WITHIN THE URBAN SERVICE AREA.

(8) ANY LAND WITHIN A PLANNING JURISDICTION THAT CURRENTLY RECEIVES URBAN SERVICES SHALL BE INCLUDED WITHIN AN URBAN SERVICE AREA AS DESIGNATED BY THE JURISDICTION."

Strike pages 51 and 52.

Page 53, strike lines 1 through 10."

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

| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.022) to SB 01-148, did pass.

Strike the Appropriations Committee amendment, as printed in Senate Journal, March 13, page 533, strike lines 39 through 48.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 311, strike lines 4 through 14 and substitute the following:

"Page 65, strike lines 3 through 27 and substitute the following:

"DISPUTE RESOLUTION

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**24-63-701. Exclusive remedy.** (1) EXCEPT AS PROVIDED IN SECTION 24-63-703, THE PROCEDURES SET FORTH IN THIS PART 7 SHALL BE THE EXCLUSIVE REMEDY UNDER STATE LAW FOR ANY CLAIM OR CAUSE OF ACTION ARISING OUT OF OR RELATED TO THE PROVISIONS OF THIS ARTICLE, INCLUDING, WITHOUT LIMITATION, THE FOLLOWING:

(a) ANY CLAIM ALLEGING THAT A PLANNING JURISDICTION HAS FAILED TO COMPLY WITH THE TERMS OF THIS ARTICLE;

(b) ANY CHALLENGE TO THE TERMS OF A MASTER PLAN ADOPTED PURSUANT TO THE TERMS OF THIS ARTICLE OR TO ANY AMENDMENT TO THE MASTER PLAN;

(c) ANY CLAIM THAT A PLANNING JURISDICTION HAS ACTED INCONSISTENTLY WITH THE TERMS OF ITS MASTER PLAN;

(d) ANY CHALLENGE OF A DENIAL OF AN APPLICATION TO AMEND A MASTER PLAN ADOPTED PURSUANT TO THE TERMS OF THIS ARTICLE;

(e) ANY CHALLENGE TO A DECISION OF A PLANNING JURISDICTION WITH RESPECT TO A DEVELOPMENT APPLICATION IN WHICH A CLAIM IS MADE THAT THE PLANNING JURISDICTION FAILED TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;

(f) ANY CHALLENGE TO THE PROCEDURES USED BY A PLANNING JURISDICTION IN CONNECTION WITH ANY OF THE FOREGOING; AND

(g) ANY OTHER CLAIM OR CAUSE OF ACTION THAT REQUIRES FOR ITS RESOLUTION A DETERMINATION OF THE APPLICABILITY OR ENFORCEABILITY OF A PROVISION OF A MASTER PLAN ADOPTED PURSUANT TO THE TERMS OF THIS ARTICLE.

**24-63-702. Related claims.** A PARTY CHALLENGING THE DENIAL BY A PLANNING JURISDICTION OF AN APPLICATION FOR AMENDMENT OF A MASTER PLAN MAY JOIN WITH SUCH A CLAIM ANY CLAIMS SUCH PARTY MAY HAVE ARISING OUT OF THE DENIAL OF ANY OTHER DEVELOPMENT APPLICATION THAT WAS CONSIDERED IN CONJUNCTION WITH THE APPLICATION TO AMEND THE MASTER PLAN. A DEVELOPMENT APPLICATION SHALL BE DEEMED TO HAVE BEEN CONSIDERED IN CONJUNCTION WITH AN APPLICATION TO AMEND A MASTER PLAN IF THE OTHER APPLICATION COULD NOT BE APPROVED WITHOUT THE REQUESTED AMENDMENT TO THE MASTER PLAN OR IF THE TWO APPLICATIONS ARE CONSIDERED IN THE SAME PUBLIC HEARING.

**24-63-703. Excluded claims.** (1) THE FOLLOWING CLAIMS AND PROCEEDINGS SHALL NOT BE GOVERNED BY THE PROVISIONS OF THIS PART 7:

(a) ANY PROCEEDING IN EMINENT DOMAIN OR OTHERWISE INITIATED BY A PLANNING JURISDICTION OR LANDOWNER FOR A DETERMINATION OF THE VALUE OF PROPERTY FOR WHICH COMPENSATION IS REQUIRED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE;

(b) ANY CLAIM FILED BY THE STATE AGAINST ANY PLANNING JURISDICTION TO COMPEL COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE; AND

(c) ANY PROCEEDING UNDER THE CRIMINAL LAWS OF THE STATE.

**24-63-704. Panel.** (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN IN EACH JUDICIAL DISTRICT OF THE STATE A LAND USE DISPUTE PANEL COMPRISED OF PERSONS WILLING TO SERVE AS HEARING OFFICERS FOR PURPOSES OF THIS PART 7. IN THE DISCRETION OF THE EXECUTIVE DIRECTOR, A COMBINED LAND USE DISPUTE PANEL MAY BE ESTABLISHED FOR TWO OR MORE JUDICIAL DISTRICTS FOR PURPOSES OF ADMINISTRATIVE CONVENIENCE OR IF NECESSARY TO ATTRACT A SUFFICIENT NUMBER OF QUALIFIED HEARING OFFICERS WITH A BALANCE OF EXPERIENCE. HEARING OFFICERS SHALL BE ENTITLED TO BE COMPENSATED FOR THEIR SERVICES AT A PER DIEM RATE TO BE ESTABLISHED BY THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL SET THE PER DIEM RATE AT A LEVEL SUFFICIENT TO ATTRACT HEARING OFFICERS WITH DEMONSTRABLE

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EXPERIENCE IN LAND USE MATTERS AND MAY ESTABLISH A DIFFERENT RATE FOR DIFFERENT JUDICIAL DISTRICTS TO REFLECT DIFFERENCES IN THE MARKET BETWEEN VARIOUS REGIONS OF THE STATE. THE EXECUTIVE DIRECTOR SHALL PERIODICALLY REVIEW THE PER DIEM RATE AND ADJUST IT AS NECESSARY.

(2) THE LAND USE DISPUTE PANEL FOR EACH JUDICIAL DISTRICT SHALL BE MADE UP OF RESIDENTS OF THE DISTRICT WHO HAVE DEMONSTRATED EXPERIENCE IN LAND USE MATTERS IN EITHER THE PUBLIC OR PRIVATE SECTOR.

(3) THE EXECUTIVE DIRECTOR SHALL MAINTAIN A BALANCE ON EACH LAND USE DISPUTE PANEL BETWEEN HEARING OFFICERS WITH PUBLIC SECTOR AND PRIVATE SECTOR EXPERIENCE.

(4) THE EXECUTIVE DIRECTOR SHALL PROVIDE A LIST OF THE LAND USE DISPUTE PANEL MEMBERS FOR EACH JUDICIAL DISTRICT, ALONG WITH THE ADDRESS AND TELEPHONE NUMBER OF SUCH MEMBERS, TO THE CLERK OF EACH DISTRICT COURT WITHIN THE DISTRICT AND SHALL PROMPTLY NOTIFY EACH COURT CLERK OF ANY CHANGES IN THE MEMBERS OF THE LAND USE DISPUTE PANEL.

(5) MEMBERS OF A LAND USE DISPUTE PANEL MAY ALSO SERVE AS MEDIATORS TO ASSIST LOCAL GOVERNMENTS IN RESOLVING LAND USE DISPUTES, AS PROVIDED IN SECTION 24-32-3209, BUT NO PANEL MEMBER WHO HAS ACTED AS A MEDIATOR WITH RESPECT TO ANY DISPUTE ARISING UNDER OR RELATED TO THIS ARTICLE SHALL LATER SIT AS A MEMBER OF A HEARING BOARD WITH RESPECT TO SUCH DISPUTE.

**24-63-705. Complaint.** (1) ANY PARTY WHO HAS SUFFERED AN INJURY-IN-FACT AND WHO WISHES TO INITIATE A CHALLENGE PURSUANT TO THIS PART 7 SHALL FILE A COMPLAINT IN THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH THE PLANNING JURISDICTION IS LOCATED. THE CAPTION OF THE COMPLAINT SHALL CLEARLY INDICATE THAT IT IS FILED UNDER THE "COLORADO GROWTH MANAGEMENT ACT", BUT IT SHALL NOT BE GROUNDS FOR DISMISSAL THAT THE PLAINTIFF HAS EITHER FAILED TO IDENTIFY A CLAIM UNDER THIS ARTICLE AS BEING MADE PURSUANT TO THIS ARTICLE OR HAS INCORRECTLY IDENTIFIED A CLAIM AS ONE MADE PURSUANT TO THIS ARTICLE THAT IS NOT GOVERNED BY THIS ARTICLE. IN SUCH CIRCUMSTANCES, LEAVE TO AMEND THE COMPLAINT TO REFLECT THE PROPER NATURE OF THE CLAIM SHALL BE FREELY ALLOWED.

(2) IN ADDITION TO THE REGULARLY ESTABLISHED FILING FEE FOR THE DISTRICT COURT, ANY PARTY FILING A COMPLAINT UNDER THIS ARTICLE SHALL DEPOSIT WITH THE CLERK OF THE DISTRICT COURT AN AMOUNT EQUAL TO ONE HUNDRED FIFTY PERCENT OF THE PER DIEM RATE ESTABLISHED PURSUANT TO SECTION 24-63-704 (1), WHICH AMOUNT SHALL BE APPLIED TO THE COSTS OF THE HEARING BOARD. IN ADDITION TO THE REGULARLY ESTABLISHED ANSWER FEE FOR THE DISTRICT COURT, ANY PARTY FILING AN ANSWER UNDER THIS ARTICLE SHALL DEPOSIT WITH THE CLERK AN AMOUNT EQUAL TO ONE HUNDRED FIFTY PERCENT OF THE PER DIEM RATE ESTABLISHED PURSUANT TO SECTION 24-63-704, WHICH AMOUNT SHALL BE APPLIED TO THE COSTS OF THE HEARING BOARD.

(3) A SUMMONS SHALL BE ISSUED AND SERVED AND PROOF OF SERVICE SHALL BE MADE IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE. THE PLAINTIFF SHALL BE REQUIRED TO OBTAIN FROM THE CLERK OF THE DISTRICT COURT AND TO SERVE ALONG WITH THE SUMMONS AND COMPLAINT A CURRENT LIST OF THE MEMBERS OF THE LAND USE DISPUTE PANEL.

(4) ANY REQUESTS FOR A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION PENDING ULTIMATE RESOLUTION OF THE MATTER BY A HEARING BOARD SHALL BE HEARD BY THE COURT.

**24-63-706. Hearing board.** (1) THE COURT SHALL APPOINT A HEARING BOARD CONSISTING OF THREE MEMBERS OF THE LAND USE DISPUTE PANEL TO HEAR THE MATTER. MEMBERS OF THE HEARING BOARD SHALL BE SELECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

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(2) WITHIN TWENTY DAYS AFTER ALL DEFENDANTS HAVE BEEN SERVED, PLAINTIFF AND DEFENDANT SHALL EACH DESIGNATE ONE MEMBER FROM THE LAND USE DISPUTE PANEL TO SERVE ON A HEARING BOARD BY FILING A NOTICE OF SUCH DESIGNATION WITH THE CLERK OF THE DISTRICT COURT AND SERVING IT UPON THE OTHER PARTIES IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE. IF THERE IS MORE THAN ONE PLAINTIFF, THE PLAINTIFFS SHALL JOINTLY DESIGNATE ONE MEMBER. IF THERE IS MORE THAN ONE DEFENDANT, THE FOLLOWING RULES SHALL APPLY:

(a) IF THE ACT OF THE PLANNING JURISDICTION THAT IS CHALLENGED IS THE APPROVAL OF A DEVELOPMENT APPLICATION, THEN THE APPLICANT SHALL DESIGNATE A MEMBER OF THE HEARING BOARD FOR DEFENDANTS, OR IF THERE IS MORE THAN ONE APPLICANT, THE APPLICANTS SHALL JOINTLY DESIGNATE THE MEMBER FOR DEFENDANTS.

(b) IN ALL OTHER CASES, THE PLANNING JURISDICTION SHALL DESIGNATE A MEMBER OF THE LAND USE DISPUTE PANEL FOR DEFENDANTS.

(3) THE CLERK OF THE DISTRICT COURT SHALL PROMPTLY NOTIFY THE DESIGNATED MEMBERS OF THE LAND USE DISPUTE PANEL OF THE DESIGNATION AND PROVIDE THEM WITH A COPY OF A COMPLAINT. IF ANY DESIGNATED MEMBER OF THE HEARING BOARD CANNOT SERVE EITHER AS A RESULT OF A SCHEDULING CONFLICT OR AS A RESULT OF A CONFLICT OF INTEREST, THE PARTY WHO DESIGNATED SUCH MEMBER SHALL DESIGNATE ANOTHER MEMBER WITHIN TEN DAYS AFTER BEING NOTIFIED THAT THE ORIGINALLY DESIGNATED MEMBER CANNOT SERVE.

(4) THE TWO DESIGNATED MEMBERS SHALL PROMPTLY CONFER AND SELECT A THIRD MEMBER OF THE LAND USE DISPUTE PANEL TO SERVE ON THE HEARING BOARD. IF THE MEMBER SELECTED BY THE TWO DESIGNATED MEMBERS CANNOT SERVE EITHER AS A RESULT OF A SCHEDULING CONFLICT OR AS A RESULT OF A CONFLICT OF INTEREST, THE DESIGNATED MEMBERS SHALL PROMPTLY SELECT ANOTHER MEMBER OF THE LAND USE DISPUTE PANEL TO SERVE ON THE HEARING BOARD.

(5) A MEMBER OF THE LAND USE DISPUTE PANEL SHALL DISQUALIFY HIMSELF OR HERSELF AS A HEARING OFFICER IN A PROCEEDING IN WHICH A JUDGE WOULD BE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF UNDER THE COLORADO RULES OF JUDICIAL CONDUCT.

(6) ANY DISPUTE CONCERNING THE APPOINTMENT AND QUALIFICATIONS OF THE HEARING BOARD SHALL BE DETERMINED BY THE COURT.

(7) THE MEMBERS OF THE HEARING BOARD, BEFORE ENTERING UPON THE DUTIES OF THEIR OFFICE, SHALL TAKE AN OATH TO FAITHFULLY AND IMPARTIALLY DISCHARGE THEIR DUTIES AS HEARING BOARD MEMBERS.

(8) THE HEARING BOARD SHALL HEAR AND DETERMINE THE MATTER WITHIN NINETY DAYS AFTER THE DATE THE COMPOSITION OF THE HEARING BOARD IS DETERMINED; EXCEPT THAT SUCH TIME MAY BE EXTENDED:

(a) BY STIPULATION OF THE PARTIES;

(b) IF SUBSEQUENT TO THE TIME THE COMPOSITION OF THE HEARING BOARD IS DETERMINED, A MEMBER OF THE HEARING BOARD MUST BE REPLACED; OR

(c) FOR ANY OTHER SUFFICIENT REASON AS DETERMINED BY THE UNANIMOUS VOTE OF THE MEMBERS OF THE HEARING BOARD WHETHER OR NOT UPON APPLICATION BY A PARTY TO THE DISPUTE.

(9) TO THE EXTENT RESOLUTION OF THE MATTER WILL REQUIRE COMPENSATION IN EXCESS OF THE AMOUNTS DEPOSITED WITH THE CLERK OF THE DISTRICT COURT AT THE TIME THE PLEADINGS WERE FILED IN ACCORDANCE WITH SECTION 24-63-705 (2), THE HEARING BOARD SHALL REQUIRE THE PARTIES TO DEPOSIT SUFFICIENT AMOUNTS TO COVER SUCH COMPENSATION PRIOR TO PROCEEDING. IF THERE ARE ONLY TWO PARTIES TO THE PROCEEDING, EACH SHALL DEPOSIT HALF OF THE ADDITIONAL

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AMOUNT NECESSARY TO PROCEED. IF THERE ARE MORE THAN TWO PARTIES TO THE PROCEEDING, THE HEARING BOARD SHALL ALLOCATE THE AMOUNT TO BE DEPOSITED BY EACH PARTY.

(10) PROMPTLY FOLLOWING THE FILING OF THE HEARING BOARD'S WRITTEN DECISION WITH THE DISTRICT COURT, THE CLERK OF THE DISTRICT COURT SHALL PAY TO THE MEMBERS OF THE HEARING BOARD THE COMPENSATION EARNED BY SUCH MEMBERS FROM THE DEPOSITS MADE BY THE PARTIES. TO THE EXTENT DEPOSITS ARE INSUFFICIENT, THE LOSING PARTY SHALL PROMPTLY DEPOSIT WITH THE CLERK THE BALANCE DUE AND FAILURE TO DO SO SHALL CONSTITUTE CONTEMPT OF COURT. IF THERE IS ANY BALANCE LEFT AFTER PAYING THE MEMBERS OF THE HEARING BOARD, THE CLERK SHALL REFUND SUCH BALANCE TO THE PREVAILING PARTY. THE PREVAILING PARTY IN ANY MATTER HEARD UNDER THIS PART 7 SHALL BE ENTITLED TO A JUDGMENT FOR ITS COSTS IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, AND SUCH COSTS SHALL INCLUDE RECOVERY OF ANY DEPOSIT MADE TO THE EXTENT NOT REFUNDED BY THE CLERK.

**24-63-707. Determination.** (1) THE HEARING BOARD MEMBERS SHALL HEAR AND DETERMINE THE MATTER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE; EXCEPT THAT, WITH RESPECT TO PRETRIAL PROCEDURE AND DISCOVERY, THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE SHALL APPLY.

(2) TO THE EXTENT THE COMPLAINT SEEKS REVIEW OF AN ACT TAKEN BY A GOVERNMENTAL BODY OR OFFICER EXERCISING A JUDICIAL OR QUASI-JUDICIAL FUNCTION, CERTIORARI REVIEW MAY BE HAD IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, AND THE DETERMINATION OF THE HEARING BOARD SHALL BE LIMITED TO WHETHER THE GOVERNMENTAL BODY OR OFFICER EXCEEDED ITS JURISDICTION OR ABUSED ITS DISCRETION BY FAILING TO CORRECTLY APPLY THE PROVISIONS OF THIS ARTICLE OR OTHER APPLICABLE LAW, INCLUDING ANY EVIDENTIARY PRESUMPTIONS SET FORTH IN THIS ARTICLE, OR BY MAKING A FINDING THAT IS NOT SUPPORTED BY COMPETENT EVIDENCE. THE COURT SHALL ACT UPON ANY MOTIONS CONCERNING CERTIFICATION OF THE RECORD. FOLLOWING REVIEW OF THE RECORD AND CONSIDERATION OF THE BRIEFS OF THE PARTIES IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, THE HEARING BOARD SHALL ISSUE A WRITTEN DECISION SETTING FORTH ITS DECISION AND THE REASONS SUPPORTING IT, WHICH DECISION SHALL BECOME AN ORDER AND JUDGMENT OF THE COURT.

(3) IN MATTERS THAT ARE NOT LIMITED TO CERTIORARI REVIEW, THE HEARING BOARD SHALL HEAR THE PROOFS AND ALLEGATIONS OF THE PARTIES ACCORDING TO THE COLORADO RULES OF EVIDENCE. ANY MEMBER OF A HEARING BOARD MAY ADMINISTER THE OATH TO ANY WITNESS PRODUCED BEFORE THE BOARD. THE HEARING BOARD MAY REQUEST THE COURT OR CLERK THEREOF TO ISSUE SUBPOENAS TO COMPEL WITNESSES TO ATTEND THE PROCEEDINGS AND TESTIFY AS IN OTHER CIVIL CASES AND MAY ADJOURN AND HOLD MEETINGS FOR THAT PURPOSE. THE HEARING BOARD SHALL MAKE WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH FINDINGS AND CONCLUSIONS SHALL BECOME AN ORDER AND JUDGMENT OF THE COURT.

(4) IN THE EVENT OF A DISPUTE AS TO WHETHER THE MATTER SHOULD PROCEED PURSUANT TO CERTIORARI REVIEW IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION OR BY AN EVIDENTIARY HEARING IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, THE COURT SHALL DETERMINE THE MANNER IN WHICH THE HEARING BOARD SHOULD PROCEED.

(5) ANY PARTY TO THE DISPUTE MAY APPEAL FROM A DECISION OF THE HEARING BOARD, AND SUCH APPEAL SHALL BE MADE DIRECTLY TO THE COLORADO COURT OF APPEALS.

**24-63-708. Mediation.** ANY TWO OR MORE LOCAL GOVERNMENTS ARE AUTHORIZED TO UTILIZE THE SERVICES OF MEMBERS OF THE LAND USE DISPUTE PANEL AS MEDIATORS IN CONNECTION WITH ANY DISPUTE OR DISAGREEMENT BETWEEN SUCH LOCAL GOVERNMENTS ARISING UNDER OR RELATED TO THE PROVISIONS OF THIS ARTICLE OR ANY ACTION TAKEN BY A LOCAL GOVERNMENT PURSUANT TO THE PROVISIONS OF THIS ARTICLE,

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INCLUDING, WITHOUT LIMITATION, THE ADOPTION OR AMENDMENT OF ANY MASTER PLAN OR THE DESIGNATION OF ANY URBAN SERVICE AREA. LOCAL GOVERNMENTS MAY ENGAGE IN SUCH MEDIATION EVEN IF THEIR DISPUTE OR DISAGREEMENT DOES NOT PRESENT A JUSTICIABLE CONTROVERSY. NO MEMBER OF THE LAND USE DISPUTE PANEL WHO HAS ACTED AS A MEDIATOR WITH RESPECT TO A DISPUTE SHALL SERVE ON ANY HEARING BOARD WITH RESPECT TO THE SAME DISPUTE."

Strike page 66.

Page 67, strike lines 1 through 25."

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

| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.023) to SB 01-148, did pass.

Amend printed bill, page 16, strike lines 21 through 27 and substitute the following:

**"24-63-104. Applicability.** (1) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO:

(a) EACH COUNTY OR CITY AND COUNTY THAT HAS A POPULATION EQUAL TO OR GREATER THAN TEN THOUSAND AND THE POPULATION OF WHICH HAS DEMONSTRATED AN INCREASE OF EITHER:

(I) TEN PERCENT OR MORE DURING THE CALENDAR YEARS 1994 THROUGH 1999; OR

(II) TEN PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR.

(b) EACH COUNTY OR CITY AND COUNTY THAT HAS A POPULATION OF ONE HUNDRED THOUSAND OR MORE; AND

(c) EACH MUNICIPALITY, ANY PART OF WHICH IS LOCATED WITHIN A COUNTY DESCRIBED IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1), THAT HAS A POPULATION OF TWO THOUSAND OR MORE PERSONS.

(2) THE DETERMINATION OF THE APPLICABILITY OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE MADE BY THE DEPARTMENT ANNUALLY BASED ON THE POPULATION STATISTICS MAINTAINED BY THE DEPARTMENT.

(3) IF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS SECTION, IT SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO ITS PROVISIONS.

(4) A COUNTY OR MUNICIPALITY NOT OTHERWISE SUBJECT TO THE PROVISIONS OF THIS ARTICLE MAY, BY RESOLUTION OR ORDINANCE OF ITS GOVERNING BODY, ELECT TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(5) THE PROVISIONS OF PART 4 OF THIS ARTICLE SHALL APPLY TO EVERY COUNTY THAT IS ADJACENT TO OR THAT INCLUDES WITHIN ITS

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TERRITORIAL BOUNDARIES A MUNICIPALITY SUBJECT TO THIS ARTICLE."

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

| YES      | 17 | NO          | 18 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.033) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 528, strike lines 24 through 72.

Strike pages 529 and 530 of the Senate Journal.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 311, strike lines 69 through 72.

Strike pages 312 and 313 of the Senate Journal.

Page 314 of the Senate Journal, strike lines 1 through 28.

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

| YES      | 15 | NO          | 20 | EXCUSED    | 0 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | N  | Evans       | Y  | May        | Y | Takis         | N |
| Andrews  | Y  | Fitz-Gerald | N  | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Gordon      | N  | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | N  | Nichol     | N | Teck          | Y |
| Chlouber | Y  | Hanna       | N  | Owen       | Y | Thiebaut      | N |
| Dennis   | N  | Hernandez   | N  | Pascoe     | N | Tupa          | N |
| Dyer, E. | N  | Hillman     | Y  | Perlmutter | N | Windels       | N |
| Dyer, F. | Y  | Lamborn     | Y  | Phillips   | N | Mr. President | N |
| Epps     | Y  | Linkhart    | N  | Reeves     | N |               |   |

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following Pascoe floor amendment, (L.026) to SB 01-148, did not pass.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 306, strike lines 59 through 62.

Less than a majority of those elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Gordon moved to amend the Report of the Committee of the Whole to show that the following Gordon floor amendment, (L.025) to SB 01-148, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 527, strike lines 65 through 71.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 309, line 63, strike "AN EXPEDITED" and substitute "A TIMELY";

**SB01-148**

after line 73 of the Public Policy and Planning Committee amendment,  
insert the following:

"line 11, strike "IN DETAIL";

line 12, strike "SUCH ITEMS";

strike lines 13 and 14;".

Page 310 of the Public Policy and Planning Committee amendment, line  
13, strike "SPECIFICALLY";

strike lines 32 through 48 of the Public Policy and Planning Committee  
amendment and substitute the following:

"strike lines 14 through 27 and substitute the following:

**"24-63-602. Rules for development applications within an  
urban service area.** (1) (a) THE DECISION BY A LOCAL PLANNING  
JURISDICTION TO APPROVE, CONDITIONALLY APPROVE, OR DENY A  
DEVELOPMENT APPLICATION FOR URBAN GROWTH WITHIN THE  
JURISDICTION'S SIX-YEAR DESIGNATED AREA SHALL BE BASED UPON THE  
FOLLOWING:

(I) A DETERMINATION BY THE JURISDICTION AS TO WHETHER THE  
APPLICATION SATISFIES APPLICABLE PROVISIONS OF ITS MASTER PLAN AND  
ITS LAND USE AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO  
SECTION 24-63-302 (8) AND SITE SPECIFIC CONDITIONS WHERE  
APPROPRIATE; OR

(II) A DETERMINATION BY THE JURISDICTION THAT ESSENTIAL  
URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES ARE  
CURRENTLY AVAILABLE OR SHALL BE PROVIDED AT THE TIME OF THE  
COMPLETION OF THE PROPOSED PROJECT AT A LEVEL OF SERVICE THAT IS  
AT LEAST EQUAL TO THE TO THE APPROXIMATE LEVEL OF SERVICE THAT IS  
CURRENTLY BEING PROVIDED IN THE JURISDICTION'S EXISTING URBANIZED  
AREAS.

(b) FOR PURPOSES OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF  
THIS SUBSECTION (1), "ESSENTIAL URBAN SERVICES" SHALL BE AS  
DETERMINED BY THE JURISDICTION AND SHALL INCLUDE, AT A MINIMUM,  
THE PROVISION OF SANITARY SEWERS AND THE COLLECTION AND  
TREATMENT OF SEWAGE, THE PROVISION OF WATER LINES AND THE  
PUMPING AND TREATMENT OF WATER, POLICE PROTECTION, FIRE  
PROTECTION AND EMERGENCY SERVICES, STREETS AND ROADS, ELECTRIC  
AND NATURAL GAS FACILITIES, TELECOMMUNICATION LINES, AND PUBLIC  
SCHOOLS."

Page 62, strike lines 1 through 19;

line 20, strike "(III)" and substitute "(c)";

strike lines 23 and 24 and substitute "PROVIDE THEM.";

line 25, strike "(IV)" and substitute "(d)".

Re-number succeeding subsections accordingly."

Less than a majority of those elected to the Senate having voted in the affirmative, the  
amendment was declared **lost**.

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in  
Colorado, and making an appropriation therefor.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that  
the following Hillman floor amendment, (L.028) to SB 01-148, did not pass.

Amend the Public Policy and Planning Committee amendment, as printed  
in Senate Journal, February 15, page 306, after line 57, insert the  
following:

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SB01-148

"Page 41, line 2, after "(h)", insert "(I)";";

line 59, strike "Page 41,";

line 62, strike "PROTECTION."." and substitute the following:

"PROTECTION.

"(II) (A) THE ENVIRONMENTAL QUALITY ELEMENT SHALL INCLUDE AN ASSESSMENT OF THE NATURE AND EXTENT OF THREATENED OR ENDANGERED SPECIES SUBSISTING WITHIN THE LOCAL PLANNING JURISDICTION. SUCH ASSESSMENT SHALL INCLUDE, WITHOUT LIMITATION, AN INVENTORY OF EXISTING SPECIES HABITAT. IN CONNECTION WITH SUCH ASSESSMENT, THE LOCAL PLANNING COMMISSION SHALL IDENTIFY ANY SUCH HABITAT THAT IS LOCATED WITHIN THE JURISDICTION'S URBAN SERVICE AREA DESIGNATED PURSUANT TO SECTION 24-63-404.

(B) UPON THE IDENTIFICATION BY THE COMMISSION OF ANY THREATENED OR ENDANGERED SPECIES HABITAT IN ACCORDANCE WITH THE REQUIREMENTS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THE LOCAL PLANNING JURISDICTION SHALL MAKE PROVISION FOR THE RELOCATION OF SUCH COTERIES FROM OR WITHIN ITS URBAN SERVICE AREA. IN CONNECTION WITH SUCH RELOCATION, THE JURISDICTION SHALL ACT IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 35-7-204, C.R.S."

Page 314, after line 6, insert the following:

"SECTION 7. Part 2 of article 7 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-7-204. Control procedures - notice - assessments - protests.**

(1) IF A DESTRUCTIVE RODENT PEST WAS RELEASED WITHIN A COUNTY UPON PRIVATELY OWNED LAND BY THE OWNER, LESSEE, OR OCCUPANT OF THE LAND, OR WITH THE APPROVAL OF SUCH PERSON, AND SUCH PEST BECOMES A NUISANCE TO ADJACENT LANDOWNERS, THE COUNTY SHALL GIVE NOTICE TO THE LANDOWNER AND THE LESSEE OR OCCUPANT ADVISING OF THE RODENT NUISANCE AND REQUESTING THAT SUCH PERSON OR AGENT OF SUCH PERSON ABATE THE RODENT NUISANCE. SUCH NOTICE SHALL BE IN WRITING AND DELIVERED IN PERSON OR BY MAIL ADDRESSED TO SUCH OWNER'S, LESSEE'S, OR OCCUPANT'S LAST-KNOWN PLACE OF RESIDENCE. FAILURE TO RECEIVE SUCH NOTICE SHALL NOT CONSTITUTE A DEFENSE TO THE ASSESSMENT OF A LIEN AGAINST THE PROPERTY, AS PROVIDED IN THIS SECTION, FOR THE EXPENSE OF THE ABATEMENT OF SUCH RODENT NUISANCE.

(2) IF A LANDOWNER, LESSEE, OCCUPANT, OR AGENT REFUSES TO ABATE THE RODENT NUISANCE, THE BOARD OF COUNTY COMMISSIONERS MAY ENTER UPON SUCH LANDS TO EFFECT THE ABATEMENT OF THE RODENT NUISANCE.

(3) (a) UPON ABATEMENT OF THE RODENT NUISANCE BY THE BOARD OF COUNTY COMMISSIONERS AS REQUIRED IN SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL NOTIFY OR CAUSE TO BE NOTIFIED THE LANDOWNER, BY CERTIFIED MAIL, AT THE ADDRESS SHOWN ON THE RECORDS OF THE COUNTY ASSESSOR, OR BY ONE PUBLICATION IN A NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE COUNTY, AS TO THE AMOUNT DUE, FURNISHING AN ITEMIZED STATEMENT OF THE EXPENSES, AND STATING THAT, IF THE AMOUNT OF SUCH STATEMENT IS NOT PAID TO THE COUNTY TREASURER OF THE COUNTY WHEREIN THE REAL ESTATE IS LOCATED WITHIN THIRTY DAYS AFTER THE DATE OF SUCH NOTICE, THE AMOUNT THEREOF WILL BE ASSESSED AS A LIEN UPON SUCH REAL ESTATE. SUCH LIEN SHALL NOT BE IN EXCESS OF THE VALUATION FOR ASSESSMENT OF SUCH REAL ESTATE.

(b) A COPY OF THE FINAL STATEMENT OF EXPENSES FURNISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE FILED WITH THE COUNTY ASSESSOR. IF THE AMOUNT OF THE STATEMENT IS NOT PAID WITHIN THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE NOTICE CONTAINING SUCH STATEMENT, OR WITHIN THIRTY DAYS AFTER

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**SB01-148**

THE FINDINGS OR CHANGES RESULTING FROM A PROTEST IF A PROTEST IS FILED PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE COUNTY ASSESSOR MAY ADD THE AMOUNT TO THE ASSESSMENT ROLLS, AND SUCH ASSESSMENT SHALL THEREON BECOME A PART OF THE GENERAL TAXES AND CONSTITUTE A LIEN AGAINST THE ENTIRE CONTIGUOUS TRACT OR ANY IMPROVEMENTS ON SUCH TRACT. THE ASSESSMENT SHALL THEREAFTER BECOME DUE IN THE SAME MANNER AND BE COLLECTED IN THE SAME MANNER AS THE GENERAL AD VALOREM PROPERTY TAX; EXCEPT THAT NOT MORE THAN FIVE PERCENT OF THE TOTAL VALUATION FOR ASSESSMENT OF THE ENTIRE CONTIGUOUS TRACT OF LAND SHALL BE SPREAD ON THE TAX ROLLS AGAINST SUCH LAND IN ANY ONE YEAR. ANY AMOUNT IN EXCESS OF THE FIVE PERCENT LIMITATION REMAINING UNPAID MAY BE CARRIED OVER AND CHARGED ON THE TAX ROLL OF THE SUCCEEDING YEARS, AND ANY UNPAID BALANCE SO CARRIED OVER SHALL BEAR INTEREST AT THE RATE OF SIX PERCENT PER ANNUM UNTIL PAID. ALL OF THE PROVISIONS OF THE GENERAL LAWS FOR THE ENFORCEMENT OF THE COLLECTION OF TAXES SHALL BE APPLICABLE AFTER THE EXTENSION BY THE COUNTY ASSESSOR.

(4) IF ANY LANDOWNER WITHIN THE DISTRICT IS DISSATISFIED WITH AN ITEMIZED STATEMENT OF EXPENSE FURNISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE LANDOWNER MAY, WITHIN THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE ACCOUNT SHOWING SUCH CHARGE, FILE A WRITTEN PROTEST WITH THE BOARD OF COUNTY COMMISSIONERS. NOT LATER THAN TEN DAYS AFTER THE FILING OF SUCH PROTEST, THE BOARD OF COUNTY COMMISSIONERS SHALL FIX A TIME AND PLACE FOR HEARING ON THE PROTEST FILED, TO BE HELD NOT LESS THAN TEN DAYS NOR MORE THAN THIRTY DAYS AFTER THE DATE OF NOTICE OF THE HEARING, AND IMMEDIATELY AFTER SUCH HEARING THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE WRITTEN FINDINGS AND SUCH CHANGES IN THE ASSESSMENT AS MAY BE DETERMINED TO CONFORM WITH SUCH FINDINGS."

Renumber succeeding section accordingly.

The amendment was declared **adopted** by viva voce vote.

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Perlmutter moved to amend the Report of the Committee of the Whole to show that the following Chlouber floor amendment, (L.052) to SB 01-148, did not pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 12, page 528, strike line 39;

line 41, strike "line" and substitute "Page 312, line";

line 49, strike ""BASIN";" and substitute ""BASIN".";

strike lines 51 through 72.

Strike page 529.

Page 530, strike lines 1 through 6 and substitute the following:

"Page 313, strike lines 61 through 71 and substitute the following:

**SECTION 8.** 39-29-109 (1) (a) (II), Colorado Revised Statutes,";

strike lines 44 through 72.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 15, page 312, strike lines 31 and 32.

Renumber succeeding subsections accordingly.

Page 312, strike lines 59 through 72.

Strike page 313.

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**SB01-148**

Page 314, strike lines 1 through 24.

More than a majority of those elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

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

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

Passed on Second Reading: **SB01-148** as amended.

Laid over until Friday, March 23, 2001: , **HB01-1238, HB1236, HB01-1210, HB01-1275, HB01-1283, HB01-1348, HB01-1096, HB01-1025, HB01-1321, HB01-1132, HB01-1286, HB01-1160, HB01-1297, SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-061, SB01-134, SB01-149, SB01-121.**

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB01-129**

by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools, and making an appropriation in connection therewith.

Senator Thiebaut moved that the Senate not concur in House amendments to **SB01-129**, as printed in House Journal, March 19, 2001, pages 871-876 and March 21, 2001, pages 895-896, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

(For further action, See Appointments to Conference Committees.)

**APPOINTMENTS TO CONFERENCE COMMITTEES**

The President appointed Senators Thiebaut, Chairman, Matsunaka and Teck as Senate Conferees on the First Conference Committee on **SB01-129**.

**MESSAGE FROM THE GOVERNOR**

March 20, 2001

To the Honorable  
Senate  
Sixty-third General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

**S.B. 01-058** - Concerning The Enactment Of Colorado Revised Statutes 2000 As The Positive And Statutory Law Of The State Of Colorado.

Approved March 20, 2001 at 3:02 p.m.

Sincerely,

Bill Owens  
Governor

Rec'd: 3/21/01  
K. Goldman, Secretary

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, March 22, 2001, was laid over until Friday, March 23, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-019, HJR01-1014, SJR01-013, SJR01-010, HJR01-1018, SJR01-020.**

Consideration of House Amendments to Senate Bills: **SB01-169, SB01-165, SB01-107.** 1  
Consideration of House Amendments to Senate Resolutions: **SJR01-015.** 2

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**TRIBUTES--A POINT OF INTEREST**

- Honoring Rick Lovato by Senator Hillman and Representative Kester 7
- Honoring Rick Lovato Jr. by Senator Hillman and Representative Kester 8
- Honoring Matt Russell by Senator Hillman and Representative Kester 9
- Honoring Adam Montoya by Senator Hillman and Representative Kester 10
- Honoring Ben Froese by Senator Hillman and Representative Kester 11
- Honoring Steve Martin by Senator Hillman and Representative Kester 12
- Honoring Pat Wyckoff by Senator Hillman and Representative Kester 13
- Honoring Tyson Vigil by Senator Hillman and Representative Kester 14
- Honoring Andrew Froese by Senator Hillman and Representative Kester 15
- Honoring Jacob Froese by Senator Hillman and Representative Kester 16
- Honoring Chance Wall by Senator Hillman and Representative Kester 17
- Honoring Josh Swanson by Senator Hillman and Representative Kester 18
- Honoring Sean Gleason by Senator Hillman and Representative Kester 19
- Honoring Zach Swanson by Senator Hillman and Representative Kester 20
- Honoring Westwoods Elementary School by Senator Perlmutter 21

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, March 23, 2001. 22

Approved: 23  
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Stan Matsunaka  
President of the Senate

Attest:  
  
Karen Goldman  
Secretary of the Senate