

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

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Fourteenth Legislative Day

Wednesday, October 3, 2001

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Prayer By Senator Ken Gordon.

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

Roll Call Present--Total, 28.  
Absent/Excused--Entz, Epps, Evans, Linkhart, Taylor, Thiebaut, Tupa--Total 7.  
Present later--Entz, Evans, Linkhart, Taylor, Thiebaut, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Tuesday, October 2, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services Correctly reengrossed: SB 01S2-006, 012, 020, 005.

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**MESSAGE FROM THE HOUSE**

October 2, 2001

Mr. President:

The House has postponed indefinitely SB01S2-009. The bill is returned herewith.

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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 **HB01S2-1023** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01S2-1004** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S2-015** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

**"SECTION 1.** 29-20-102, Colorado Revised Statutes, is amended to read:

**29-20-102. Legislative declaration.** (1) The general assembly hereby finds and declares that in order to provide for planned and orderly development within Colorado and a balancing of basic human needs of a changing population with legitimate environmental concerns, the policy of this state is to clarify and provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions. Nothing in this article shall serve to diminish the planning functions of the state or the duties of the division of planning.

SB01S2-015

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT LOCAL GOVERNMENTS WILL BE BETTER ABLE TO PROPERLY PLAN FOR GROWTH AND SERVE NEW RESIDENTS IF THEY ARE AUTHORIZED TO IMPOSE IMPACT FEES AS A CONDITION OF APPROVAL OF DEVELOPMENT PERMITS. HOWEVER, IMPACT FEES AND OTHER DEVELOPMENT CHARGES CAN AFFECT GROWTH AND DEVELOPMENT PATTERNS OUTSIDE A LOCAL GOVERNMENT'S JURISDICTION, AND UNIFORM IMPACT FEE AUTHORITY AMONG LOCAL GOVERNMENTS WILL ENCOURAGE PROPER GROWTH MANAGEMENT.

**SECTION 2.** 29-20-103 (1), Colorado Revised Statutes, is amended, and the said 29-20-103 is further amended, BY THE ADDITION OF A NEW SUBSECTION, to read:

**29-20-103. Definitions.** As used in this article, unless the context otherwise requires:

(1) ~~"Local government" means a county, home rule or statutory city, town, territorial charter city, or city and county~~ "DEVELOPMENT PERMIT" MEANS ANY PRELIMINARY OR FINAL APPROVAL OF AN APPLICATION FOR REZONING, PLANNED UNIT DEVELOPMENT, CONDITIONAL OR SPECIAL USE PERMIT, SUBDIVISION, DEVELOPMENT OR SITE PLAN, OR SIMILAR APPLICATION FOR NEW CONSTRUCTION.

(1.5) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

**SECTION 3.** The introductory portion to 29-20-104 (1), Colorado Revised Statutes, is amended to read:

**29-20-104. Powers of local governments.** (1) ~~Without limiting or superseding~~ EXCEPT AS EXPRESSLY PROVIDED IN SECTION 29-20-104.5, THE POWER AND AUTHORITY GRANTED BY THIS SECTION SHALL NOT LIMIT any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

**SECTION 4.** Article 20 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**29-20-104.5. Impact fees.** (1) PURSUANT TO THE AUTHORITY GRANTED IN SECTION 29-20-104 (1) (g) AND AS A CONDITION OF ISSUANCE OF A DEVELOPMENT PERMIT, A LOCAL GOVERNMENT MAY IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO FUND EXPENDITURES BY SUCH LOCAL GOVERNMENT ON CAPITAL FACILITIES NEEDED TO SERVE NEW DEVELOPMENT. NO IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE SHALL BE IMPOSED EXCEPT PURSUANT TO A SCHEDULE THAT IS:

- (a) LEGISLATIVELY ADOPTED;
- (b) GENERALLY APPLICABLE TO A BROAD CLASS OF PROPERTY; AND
- (c) INTENDED TO DEFRAY THE PROJECTED IMPACTS ON CAPITAL FACILITIES CAUSED BY PROPOSED DEVELOPMENT.

(2) A LOCAL GOVERNMENT SHALL QUANTIFY THE REASONABLE IMPACTS OF PROPOSED DEVELOPMENT ON EXISTING CAPITAL FACILITIES AND ESTABLISH THE IMPACT FEE OR DEVELOPMENT CHARGE AT A LEVEL NO GREATER THAN NECESSARY TO DEFRAY SUCH IMPACTS DIRECTLY RELATED TO PROPOSED DEVELOPMENT. NO IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE SHALL BE IMPOSED TO REMEDY ANY DEFICIENCY IN CAPITAL FACILITIES THAT EXISTS WITHOUT REGARD TO THE PROPOSED DEVELOPMENT.

(3) ANY SCHEDULE OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES ADOPTED BY A LOCAL GOVERNMENT PURSUANT TO THIS SECTION SHALL INCLUDE PROVISIONS TO ENSURE THAT NO INDIVIDUAL LANDOWNER IS REQUIRED TO PROVIDE ANY SITE SPECIFIC DEDICATION OR IMPROVEMENT TO MEET THE SAME NEED FOR CAPITAL FACILITIES FOR WHICH THE IMPACT FEE OR OTHER SIMILAR DEVELOPMENT

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SB01S2-015

CHARGE IS IMPOSED.

(4) AS USED IN THIS SECTION, THE TERM "CAPITAL FACILITY" MEANS ANY IMPROVEMENT OR FACILITY THAT:

(a) IS DIRECTLY RELATED TO ANY SERVICE THAT A LOCAL GOVERNMENT IS AUTHORIZED TO PROVIDE;

(b) HAS AN ESTIMATED USEFUL LIFE OF FIVE YEARS OR LONGER; AND

(c) IS REQUIRED BY THE CHARTER OR GENERAL POLICY OF A LOCAL GOVERNMENT PURSUANT TO A RESOLUTION OR ORDINANCE.

(5) ANY IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE SHALL BE COLLECTED AND ACCOUNTED FOR IN ACCORDANCE WITH PART 8 OF ARTICLE 1 OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A LOCAL GOVERNMENT MAY WAIVE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE ON THE DEVELOPMENT OF LOW- OR MODERATE- INCOME HOUSING OR AFFORDABLE EMPLOYEE HOUSING AS DEFINED BY THE LOCAL GOVERNMENT.

(6) NO IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE SHALL BE IMPOSED ON ANY DEVELOPMENT PERMIT FOR WHICH THE APPLICANT SUBMITTED A COMPLETE APPLICATION BEFORE THE ADOPTION OF A SCHEDULE OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES BY THE LOCAL GOVERNMENT PURSUANT TO THIS SECTION. NO IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE IMPOSED ON ANY DEVELOPMENT ACTIVITY SHALL BE COLLECTED BEFORE THE ISSUANCE OF THE DEVELOPMENT PERMIT FOR SUCH DEVELOPMENT ACTIVITY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A LOCAL GOVERNMENT FROM DEFERRING COLLECTION OF AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE UNTIL THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.

(7) ANY PERSON OR ENTITY THAT OWNS OR HAS AN INTEREST IN LAND THAT IS OR BECOMES SUBJECT TO A SCHEDULE OF FEES OR CHARGES ENACTED PURSUANT TO THIS SECTION SHALL, BY FILING AN APPLICATION FOR A DEVELOPMENT PERMIT, HAVE STANDING TO FILE AN ACTION FOR DECLARATORY JUDGMENT TO DETERMINE WHETHER SUCH SCHEDULE COMPLIES WITH THE PROVISIONS OF THIS SECTION. AN APPLICANT FOR A DEVELOPMENT PERMIT WHO BELIEVES THAT A LOCAL GOVERNMENT HAS IMPROPERLY APPLIED A SCHEDULE OF FEES OR CHARGES ADOPTED PURSUANT TO THIS SECTION TO THE DEVELOPMENT APPLICATION MAY PAY THE FEE OR CHARGE IMPOSED AND PROCEED WITH DEVELOPMENT WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO CHALLENGE THE FEE OR CHARGE IMPOSED UNDER RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE. IF THE COURT DETERMINES THAT A LOCAL GOVERNMENT HAS EITHER IMPOSED A FEE OR CHARGE ON A DEVELOPMENT THAT IS NOT SUBJECT TO THE LEGISLATIVELY ENACTED SCHEDULE OR IMPROPERLY CALCULATED THE FEE OR CHARGE DUE, IT MAY ENTER JUDGMENT IN FAVOR OF THE APPLICANT FOR THE AMOUNT OF ANY FEE OR CHARGE WRONGLY COLLECTED WITH INTEREST THEREON FROM THE DATE COLLECTED.

(8) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE MATTERS ADDRESSED IN THIS SECTION ARE MATTERS OF STATEWIDE CONCERN.

(b) THIS SECTION SHALL NOT PROHIBIT ANY LOCAL GOVERNMENT FROM IMPOSING IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES PURSUANT TO A SCHEDULE THAT WAS LEGISLATIVELY ADOPTED BEFORE OCTOBER 1, 2001, SO LONG AS THE LOCAL GOVERNMENT COMPLIES WITH SUBSECTIONS (3), (5), (6), AND (7) OF THIS SECTION. ANY AMENDMENT OF SUCH SCHEDULE ADOPTED AFTER OCTOBER 1, 2001, SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THIS SECTION.

(9) IF ANY PROVISION OF THIS SECTION IS HELD INVALID, SUCH INVALIDITY SHALL INVALIDATE THIS SECTION IN ITS ENTIRETY, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE NONSEVERABLE.

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SB01S2-015

SECTION 5. 29-20-202 (2), Colorado Revised Statutes, is amended to read:

29-20-202. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Local government" has the same meaning as set forth in section 29-20-103 (1) SECTION 29-20-103 (1.5).

SECTION 6. 29-20-203 (1), Colorado Revised Statutes, is amended to read:

29-20-203. Conditions on land-use approvals. (1) In imposing conditions upon the granting of land-use approvals, no local government shall require an owner of private property to dedicate real property to the public, or pay money OR PROVIDE SERVICES to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property. This section shall not apply to any legislatively formulated assessment, fee, or charge that is imposed on a broad class of property owners by a local government.

SECTION 7. 29-20-204, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-20-204. Remedy for enforcement against a private property owner. (4) AN OWNER MAY PROCEED WITH DEVELOPMENT WITHOUT PREJUDICE TO THAT OWNER'S RIGHT TO PURSUE THE REMEDY PROVIDED BY THIS SECTION.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Public Policy and Planning After consideration on the merits, the committee recommends that HB01S2-1019 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. Legislative declaration. The general assembly hereby finds and declares that it does not intend to, and nothing herein shall be construed to:

(a) Expand or diminish any existing vested rights or existing property rights protected under the Colorado or United States constitutions or any statutory provision;

(b) Void any existing contractual agreement between any two or more local governments or between a local government and a landowner. For purposes of this act, "local government" shall have the same meaning as set forth in section 29-20-103 (1), Colorado Revised Statutes; or

(c) Expand or diminish any powers of a local government with respect to the taking of private property for public use in accordance with section 15 of article II of the Colorado constitution and article 1 of title 38, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Page 3, line 5, after "public", insert "AND AFFECTED LANDOWNERS";

strike lines 14 through 19 and substitute the following:

"MODIFY, OR REJECT SAID PLAN OR AMENDMENTS. UPON ADOPTION OR AMENDMENT OF A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS SECTION, THE BOARD SHALL ENFORCE THE PLAN BY ADOPTING

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**HB01S2-1019**

ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.";

strike lines 22 through 26 and substitute the following:

"PARAGRAPH (b) SHALL, WITHIN TWO YEARS AFTER SAID DATE, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER. THE BOARD OF COUNTY COMMISSIONERS OF".

Page 4, strike lines 2 through 5 and substitute the following:

"OF THIS SECTION SHALL, UPON THE ADOPTION OR AMENDMENT OF SAID PLAN, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER." .

Page 5, strike lines 1 through 9.

Reletter succeeding paragraph accordingly.

Page 5, line 24, after the first "public", insert "AND AFFECTED LANDOWNERS".

Page 7, line 5, after the first "public", insert "AND AFFECTED LANDOWNERS";

strike lines 19 through 24 and substitute the following:

"AMENDMENTS. UPON ADOPTION OR AMENDMENT OF A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS SECTION, THE GOVERNING BODY SHALL ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.";

strike line 27 and substitute the following:

"(1.3) SHALL, WITHIN TWO YEARS AFTER SAID DATE, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER." .

Page 8, strike lines 1 through 4 and substitute "THE GOVERNING BODY OF ANY MUNICIPALITY THAT";

strike lines 6 through 10 and substitute the following:

"ACT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL, UPON THE ADOPTION OR AMENDMENT OF SAID PLAN, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER." .

Page 9, strike lines 5 through 13;

line 14, strike "(1.9)" and substitute "(1.7)".

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01S2-1003** be postponed indefinitely.

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**RECONSIDERATION OF SB01S2-012**

**SB01S2-012** by Senators Reeves, Hagedorn, Hanna, Linkhart, Pascoe, Phillips, Windels, Hernandez, and Tate; also Representatives Spradley, Berry, Larson, Romanoff and Smith--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

Senator Reeves moved to reconsider **SB01S2-012**.

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

On motion of Senator Reeves, **SB01S2-012** was laid over until later in the day.

Senate in Recess--Senate Reconvened.

**MESSAGE FROM THE HOUSE**

October 3, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01S2-020, amended as printed in House Journal, October 2, pages 138-150. The House requests a conference committee be appointed. The Speaker has appointed Representatives Fairbank, chairman, Dean and Saliman as conferees on the First Conference Committee on SB01S2-020. The bill is returned herewith.

**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01S2-1020** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 15, strike "DISPUTE." and substitute "DISPUTE AND MAY CONSIDER SUCH OTHER INFORMATION AS IS PRESENTED BY OTHER INTERESTED PERSONS."

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01S2-1006** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 17, insert the following:

"(III) TO THE EXTENT THE COUNTY DOES NOT MEET THE DESCRIPTION SPECIFIED IN SUBPARAGRAPHS (I) OR (II) OF THIS PARAGRAPH (a), THE COUNTIES OF CLEAR CREEK, GILPIN, MORGAN, AND PITKIN."

Page 3, after line 25, insert the following:

"SECTION 3. Part 3 of article 92 of title 37, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**37-92-302.5. Development approval contingent upon commitment of availability of water supply - supply of water to urban growth areas by change of water right.** (1) FOR PURPOSES OF THIS SECTION:

(a) "DEVELOPMENT" MEANS ANY CONSTRUCTION OR ACTIVITY THAT CHANGES THE BASIC CHARACTER OR USE OF THE LAND ON WHICH THE CONSTRUCTION OR ACTIVITY OCCURS AND THAT REQUIRES APPROVAL OF THE LOCAL PLANNING JURISDICTION UNDER ITS LAND DEVELOPMENT REGULATIONS. "DEVELOPMENT" SHALL NOT INCLUDE THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR

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HB01S2-1006

THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

(b) "DEVELOPMENT APPLICATION" MEANS AN APPLICATION FILED UNDER A LOCAL GOVERNMENT'S LAND DEVELOPMENT REGULATIONS. "DEVELOPMENT APPLICATION" SHALL NOT INCLUDE AN APPLICATION RELATING TO OR FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

(c) "INFRASTRUCTURE AND CAPITAL FACILITIES" MEANS THE BUILDINGS AND FACILITIES OF A CAPITAL NATURE OWNED, OPERATED, OR CONTRACTED FOR BY A LOCAL GOVERNMENT OR BY ANY OTHER PUBLIC ENTITY PROVIDING SERVICES TO THE PUBLIC WITHIN THE LOCAL GOVERNMENT.

(d) "LAND DEVELOPMENT REGULATIONS" MEANS THE REGULATIONS OF A LOCAL GOVERNMENT GOVERNING ZONING, SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SITE PLANS, MATTERS OF STATE INTEREST, OR OTHER GOVERNMENTAL CONTROLS OR LOCAL POLICIES THAT AFFECT THE USE OR INTENSITY OF LAND.

(e) "LOCAL GOVERNMENT" MEANS A COUNTY OR A MUNICIPALITY. FOR PURPOSES OF THIS SECTION, "COUNTY" INCLUDES A HOME RULE COUNTY OR A CITY AND COUNTY.

(f) "URBAN GROWTH" MEANS DEVELOPMENT SERVED BY CENTRAL WATER AND SEWER THAT MAKES INTENSIVE USE OF LAND FOR THE LOCATION OF BUILDINGS, OTHER STRUCTURES, AND IMPERMISSIBLE SURFACES TO SUCH A DEGREE AS TO BE INCOMPATIBLE WITH THE PRIMARY USE OF SUCH LAND FOR THE PRODUCTION OF FOOD, FIBER, OR OTHER AGRICULTURAL PRODUCTS OR THE EXTRACTION OF MINERAL RESOURCES AND THAT, WHEN SPREAD OVER WIDE AREAS, TYPICALLY REQUIRES URBAN SERVICES.

(g) "URBAN GROWTH AREA" MEANS AN AREA CHARACTERIZED BY URBAN GROWTH.

(h) "WATER PROVIDER" MEANS A SPECIAL DISTRICT OR PUBLIC UTILITY THAT PROVIDES WATER SERVICE.

(2) (a) ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, NO LOCAL GOVERNMENT SHALL GRANT ANY DEVELOPMENT APPROVAL UNLESS SAID GOVERNMENT HAS OBTAINED FROM THE DEVELOPER EVIDENCE THAT PROVISION HAS BEEN MADE FOR AN ADEQUATE AND SUITABLE SUPPLY OF WATER NECESSARY TO SUSTAIN THE DEVELOPMENT FOR A PERIOD OF FIFTY YEARS FROM THE DATE THE DEVELOPMENT IS COMPLETED.

(b) FOR PURPOSES OF SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), SUBMISSION OF A LETTER OF AGREEMENT BETWEEN THE DEVELOPER AND WATER PROVIDER SERVING THE DEVELOPMENT SITE SHALL BE DEEMED SUFFICIENT TO ESTABLISH THAT ADEQUATE PROVISION FOR WATER TO A PROPOSED DEVELOPMENT HAS BEEN MADE.

(3) ANY LOCAL GOVERNMENT OR WATER PROVIDER THAT PROPOSES TO SUPPLY WATER TO AN URBAN GROWTH AREA BY MEANS OF A CHANGE OF WATER RIGHT, WHERE THE CURRENT PRIMARY USE OF SUCH WATER RIGHT IS FOR THE PRODUCTION OF FOOD, FIBER, OR OTHER AGRICULTURAL PRODUCTS IN A COUNTY OTHER THAN THE ONE IN WHICH THE URBAN GROWTH AREA IS LOCATED, MAY SUPPLY SUCH WATER TO THE URBAN GROWTH AREA ONLY IF:

(a) THE WATER RIGHT IS THE SUBJECT OF A DECREE ENTERED PRIOR TO JULY 1, 2001, FOR WHICH NO NEW INFRASTRUCTURE AND CAPITAL FACILITIES ARE NECESSARY TO DIVERT OR REMOVE THE WATER OUT OF THE COUNTY FROM WHICH THE USE OF THE WATER RIGHT IS BEING TRANSFERRED;

(b) THE WATER RIGHT IS THE SUBJECT OF AN EXISTING

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**HB01S2-1006**

AGREEMENT DESIGNED TO ADDRESS THE IMPACTS OF THE CHANGE OF THE WATER RIGHT ON THE COUNTY FROM WHICH THE USE OF THE WATER RIGHT IS BEING TRANSFERRED; OR

(c) THE WATER RIGHT IS THE SUBJECT OF A FUTURE AGREEMENT DESIGNED TO ADDRESS THE IMPACTS OF THE CHANGE OF THE WATER RIGHT BETWEEN THE LOCAL GOVERNMENT OR WATER PROVIDER AND THE COUNTY WHERE THE WATER RIGHT SUBJECT TO THE CHANGE IS LOCATED. SUCH AGREEMENT MAY INCLUDE, WITHOUT LIMITATION, AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO SECTION 29-1-203, C.R.S., AN AGREEMENT OF PAYMENT-IN-LIEU-OF-TAXES, AN AGREEMENT TO PROVIDE WATER RIGHTS OR STORAGE AND CONVEYANCE FACILITIES, AND ANY AGREEMENT OR PROGRAM PROVIDING FOR REVENUE SHARING BETWEEN THE LOCAL GOVERNMENT OR WATER PROVIDER AND THE COUNTY FROM WHICH THE USE OF THE WATER IS BEING TRANSFERRED.

(4) THE LOCAL GOVERNMENT OR WATER PROVIDER INTERESTED IN NEGOTIATING AN AGREEMENT UNDER PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION SHALL MAKE A WRITTEN REQUEST TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WHERE THE WATER RIGHT SUBJECT TO THE CHANGE IS LOCATED TO BEGIN NEGOTIATIONS. IN THE EVENT THAT AN AGREEMENT CANNOT BE REACHED WITHIN ONE HUNDRED EIGHTY DAYS FROM THE DATE THE WRITTEN REQUEST IS DELIVERED TO THE BOARD OF COUNTY COMMISSIONERS, THE LOCAL GOVERNMENT, WATER PROVIDER, OR BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WHERE THE WATER RIGHT SUBJECT TO THE CHANGE IS LOCATED MAY INVOKE ANY PROCESS OR PROCEDURE PROVIDED UNDER STATE LAW FOR THE RESOLUTION OF DISPUTES BETWEEN GOVERNMENTAL ENTITIES."

Renumber succeeding section accordingly.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB01S2-020** by Senator Thiebaut; also Representative Fairbank--Concerning the congressional redistricting of Colorado.

Senator Thiebaut moved that the Senate not concur in House amendments to **SB01S2-020**, as printed in House Journal, October 2, pages 138-150, 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, Phillips and Hillman as Senate Conferees on the First Conference Committee on **SB01S2-020**.

Senate in Recess--Senate Reconvened.

**MESSAGE FROM THE HOUSE**

October 3, 2001

Mr. President:

The House has adopted and transmits herewith HJR01S2-1003, as printed in House Journal, September 24, page 35, and amended as printed in House Journal, October 3.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:  
without comment, as amended, SB01S2-020.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Appropriations

After consideration on the merits, the committee recommends that **SB01S2-022** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 6, strike "SIXTY-FOUR DOLLARS AND NINETY-NINE" and substitute "SIXTY-SIX DOLLARS AND TWELVE";

line 7, strike "THIRTY-SEVEN DOLLARS AND FORTY-SIX" and substitute "THIRTY-NINE DOLLARS AND FIFTEEN";

line 9, strike "TWENTY-SIX DOLLARS AND FORTY-EIGHT" and substitute "TWENTY-EIGHT DOLLARS AND EIGHTY-SEVEN";

line 12, strike "FOR" and substitute "HOWEVER, FOR";

strike lines 14 through 23 and substitute the following:

"STATEWIDE, THE STATE SHALL CONTRIBUTE AN AMOUNT NECESSARY TO ENSURE THAT THE EMPLOYEE CONTRIBUTION FOR ANY GIVEN MEDICAL BENEFITS PLAN IS IDENTICAL FOR EACH EMPLOYEE ENROLLED IN SAID PLAN, REGARDLESS OF THE COUNTY OF RESIDENCE OF THE EMPLOYEE.";

line 24, strike "ENROLLMENT IN MEDICAL BENEFITS.".

Page 5, line 4, strike "AND ADDITIONAL CONTRIBUTION AMOUNTS";

line 5, strike "PARAGRAPH (a) OF THIS SUBSECTION (3)" and substitute "SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION";

after line 11, insert the following:

**SECTION 3 Appropriations - adjustments in 2001 long bill.** For the implementation of section 24-50-609 (2), Colorado Revised Statutes and section 24-50-609 (3), Colorado Revised Statutes, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2001, shall be increased by the sum of three million three hundred forty-one dollars (\$3,000,341). Said sum shall be cash funds exempt from the undesignated fund balance for medical plans in the group benefit plans reserve fund created in section 24-50-613, Colorado Revised Statutes. Said appropriation shall be allocated as detailed in the following table:

<b>DEPARTMENT</b>	<b>Cash Funds Exempt</b>
Agriculture	29,815
Corrections	854,226
Education	27,124
Governor	7,991
Health Care Policy and Financing	7,616
Higher Education	404,105
Human Services	890,469
Judicial	218,510
Labor and Employment	55,727

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DEPARTMENT	Cash Funds Exempt	
Law	17,741	1
Legislature	11,817	2
Local Affairs	11,555	3
Military Affairs	5,044	4
Natural Resources	101,533	5
Personnel	46,405	6
Public Health and Environment	53,067	7
Public Safety	102,279	8
Regulatory Agencies	28,148	9
Revenue	106,103	10
State	4,364	11
Transportation	15,636	12
Treasury	1,066	13
		14
Total	3,000,341."	15

Page 1, line 102, strike "PLANS." and substitute "PLANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01S2-1010** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 9, strike "METROPOLITAN PLANNING" and substitute "REGIONAL PLANNING COMMISSION CREATED PURSUANT TO SECTION 30-28-105, C.R.S.";

strike lines 10 and 11;

line 15, strike "METROPOLITAN PLANNING" and substitute "REGIONAL PLANNING COMMISSION CREATED PURSUANT TO SECTION 30-28-105, C.R.S.".

Page 4, strike lines 1 and 2.

Page 5, after line 13, insert the following:

"(b) IN ORDER TO ENSURE OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE REGIONAL PLANNING AGREEMENT, THE PROCEDURES ADOPTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL INCLUDE PROVISIONS REQUIRING THE FOLLOWING:

(I) IN CONNECTION WITH THE DEVELOPMENT OF A REGIONAL PLANNING AGREEMENT, THE LOCAL GOVERNMENTS THAT ARE PARTIES TO THE AGREEMENT SHALL CONDUCT PUBLIC HEARINGS ON THE AGREEMENT AT WHICH THE PUBLIC INPUT SHALL BE SOLICITED AND CONSIDERED. PRIOR TO SUCH HEARINGS, THE GOVERNING BODIES OF THE LOCAL GOVERNMENTS THAT ARE PARTIES TO THE AGREEMENT SHALL SEND BY REGULAR MAIL TO EACH LANDOWNER AFFECTED BY THE AGREEMENT, AT THE LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE LANDOWNER OF THE HEARINGS. SAID BODIES SHALL ALSO PUBLISH GENERAL PUBLIC NOTICE IN A MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME AND PLACE OF THE HEARINGS. SUCH MAILED NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY SAID BODY TO THE LANDOWNER OR MAY BE COORDINATED WITH ANY OTHER LOCAL GOVERNMENT REGULARLY PROVIDING MAILED NOTICES

HB01S2-1010

SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC HEARINGS THEREAFTER RELATED TO THE REGIONAL PLANNING AGREEMENT OR AMENDMENT TO THE AGREEMENT, GENERAL PUBLIC NOTICE SHALL BE PUBLISHED IN ANY MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE HEARINGS, INCLUDING THE TIME AND PLACE OF ANY SUCH HEARINGS.

(II) ANY LOCAL GOVERNMENT OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING ON A REGIONAL PLANNING AGREEMENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK OF A LOCAL GOVERNMENT THAT IS A PARTY TO THE AGREEMENT. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL SUCH HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH (b), AN UNINTENTIONAL FAILURE ON THE PART OF THE LOCAL GOVERNMENT TO PROVIDE ADVANCE NOTICE OF A HEARING ON A REGIONAL PLANNING AGREEMENT SHALL NOT NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED AS REQUIRED BY LAW.

(III) IN ORDER TO ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE REGIONAL PLANNING AGREEMENT PRIOR TO FINAL ADOPTION OF THE AGREEMENT OR PROPOSED AMENDMENTS TO THE AGREEMENT, THE LOCAL GOVERNMENTS SHALL CONDUCT A MINIMUM OF TWO PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (b). THE COMMISSION SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF DEVELOPING THE AGREEMENT.

(IV) EACH LOCAL GOVERNMENT THAT IS A PARTY TO THE REGIONAL PLANNING AGREEMENT SHALL PROVIDE TO THE CLERK OF ANY LOCAL GOVERNMENT THAT IS WITHIN THREE MILES OF ITS TERRITORIAL BOUNDARIES AND THAT IS NOT A PARTY TO THE AGREEMENT, ACTUAL NOTICE OF THE PUBLIC HEARING ON THE REGIONAL PLANNING AGREEMENT, AS WELL AS A COPY OF THE AGREEMENT OR PROPOSED AMENDMENT TO THE AGREEMENT, FOR REVIEW AND COMMENT PRIOR TO THE FIRST PUBLIC HEARING. IN ADDITION, PRIOR TO THE PUBLIC HEARING, THE LOCAL GOVERNMENT SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOUNDARIES OF THE LOCAL GOVERNMENT A MAP DESCRIBING THE AGREEMENT OR PROPOSED AGREEMENT. THE LOCAL GOVERNMENTS THAT ARE PARTIES TO THE AGREEMENT SHALL CONSIDER ANY WRITTEN OR ORAL TESTIMONY OR COMMENTS ON THE AGREEMENT OR PROPOSED AMENDMENTS SUBMITTED BY AN AFFECTED LOCAL GOVERNMENT. IF AN AFFECTED LOCAL GOVERNMENT FILES WRITTEN OBJECTIONS TO A REGIONAL PLANNING AGREEMENT AT ANY TIME UP TO AND INCLUDING THIRTY DAYS AFTER THE AGREEMENT IS ADOPTED BY THE LOCAL GOVERNMENTS THAT ARE PARTIES TO THE AGREEMENT, ANY AFFECTED LOCAL GOVERNMENT MAY RESOLVE THEIR DIFFERENCES IN ANY MANNER TO WHICH THEY HAVE MUTUALLY AGREED."

Renumber succeeding paragraph accordingly.

Page 6, line 20, strike "THE TRANSPORTATION ELEMENT";

strike lines 21 through 23.

Page 7, strike line 13 and substitute the following:

"STRATEGIES";

line 14, strike "REGULATIONS";

line 15, strike "CONTROL;" and substitute "CONTROL AND THAT DOES NOT ENLARGE OR DIMINISH THE RIGHTS OF LOCAL GOVERNMENTS WITH REGARD TO AIR QUALITY, WATER QUALITY, AND FLOOD CONTROL AS THOSE RIGHTS EXIST AT THE TIME OF THE ADOPTION OF THE REGIONAL PLANNING AGREEMENT";

line 16, after "PROVIDE", insert "AND LOCATE OR SITE".

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**HB01S2-1010**

Page 8, line 26, strike "is" and substitute "is, AT A MINIMUM,".

Page 10, after line 5, insert the following:

"(4) (a) IN ORDER TO PROVIDE FOR TRANSPORTATION PLANNING SUPPORTIVE OF THE REGIONAL PLANNING AGREEMENT REQUIRED BY SECTION 29-20.5-103, AND TO THE EXTENT ALLOWED BY LAW, THE REGIONAL PLANNING COMMISSION CREATED PURSUANT TO SECTION 30-28-105, C.R.S., FOR THE DENVER METROPOLITAN REGION, THE REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32, C.R.S., AND THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 43-1-103, C.R.S., SHALL AGREE UPON THE:

(I) DISTRIBUTION OF ESTIMATED FUTURE REGIONAL TRANSPORTATION REVENUES;

(II) RULES GOVERNING THE PROCESS FOR ALLOCATING SUCH REVENUES AMONG THE MEMBER GOVERNMENTS; AND

(III) RANGE OF CERTAINTY REGARDING ESTIMATED FUNDING ALLOCATIONS.

(b) THE REGIONAL PLANNING COMMISSION, THE REGIONAL TRANSPORTATION DISTRICT, AND THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH RULES AND CRITERIA FOR DETERMINING REGIONAL TRANSPORTATION PROJECT SELECTION, INCLUDING WITHOUT LIMITATION, MAINTENANCE PROJECTS, AS WELL AS IMMEDIATE AND FUTURE TRANSPORTATION PRIORITIES BASED UPON THE REGIONAL PLANNING AGREEMENT."

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR01S2-1003** by Representatives Marshall, Borodkin, Boyd, Madden, Plant, Smith, Veiga, and Stengel; also Senator Anderson--Concerning the encouragement of efforts to promote responsible growth in the state of Colorado.

Laid over until later in the day, October 3.

**SJR01S2-007** by Senator Linkhart; also Representative Borodkin--Concerning measures to improve the security of citizens of the state against terrorism.

Laid over until later in the day, October 3.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of **SB01S2-012**.

**THIRD READING--FINAL PASSAGE OF BILLS**

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

**SB01S2-012** by Senators Reeves, Hagedorn, Hanna, Linkhart, Pascoe, Phillips, Windels, Hernandez, and Tate; also Representatives Spradley, Berry, Larson, Romanoff and Smith--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

(Amended in Senate Journal September 25, pages 25-27; and amended in Senate Journal, October 2, pages 43-44.)

A majority of those elected to the Senate having voted in the affirmative, Senator Reeves was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 10, by Senators Reeves and Anderson.

Amend reengrossed bill, page 6, line 9, strike "MEANS A PERSON

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**SB01S2-012**

DESIGNATED BY THE";

strike lines 10 and 11 and substitute the following:

"SHALL BE DEFINED PURSUANT TO 42 U.S.C. SEC. 1396r-1b(b)(2);".

Page 7, line 7, strike "MEDICAID", and substitute "MEDICARE";

line 8, strike "MEDICARE", and substitute "MEDICAID".

Page 8, line 13, after "C.R.S.", insert "ANY GIFTS, GRANTS, AND DONATIONS,";

line 21, after "THE", insert "STATE";

strike lines 23 and 24, and substitute the following:

"PROGRAM FROM THE GENERAL FUND AND FIFTY PERCENT FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND PURSUANT TO SECTION 24-22-115 (1), C.R.S., TO SUCH PROGRAM.";

line 26, after "THE", insert "STATE".

Page 9, strike lines 1 and 2 and substitute the following:

PROGRAM FROM THE GENERAL FUND AND TWENTY-FIVE PERCENT FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND PURSUANT TO SECTION 24-22-115 (1), C.R.S. TO SUCH PROGRAM.";

line 4, before "COSTS", insert "STATE";

line 5, strike "THE" and substitute "SUCH PROGRAM.";

strike line 6.

A majority of all member elected to the Senate having voted in the affirmative, the amendment was declared adopted.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer, F.	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsor added: Nichol.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S2-022, HB01S2-1020, HB01S2-1001, HB01S2-1010, SCR01S2-001** were made Special Orders at 2:22 p.m..

Committee of the Whole

The hour of 2:22 p.m. having arrived, Senator Perlmutter moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Perlmutter was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

<b>SB01S2-022</b>	by Senators Thiebaut, Hagedorn and Hernandez--Concerning an increase in the state contribution for employees enrolled in group benefit plans.	1
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	<u>Amendment No. 1, Health, Environment, Children &amp; Families Committee Amendment.</u>	4
	(Printed in Senate Journal, October 2, 2001, pages 43-44.)	5
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	7
	(Printed in Senate Journal, October 3, 2001, pages 55-56.)	8
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	10
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<b>HB01S2-1020</b>	by Representative Madden; also Senator Teck--Concerning procedures to resolve conflict arising from local government decisions relating to master plans.	13
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	<u>Amendment No. 1, Public Policy and Planning Committee Amendment.</u>	16
	(Printed in Senate Journal, October 3, 2001, page 52.)	17
		18
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	19
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<b>HB01S2-1001</b>	by Representative Kester; also Senator Phillips--Concerning the opportunity for property owners adjacent to an area proposed to be annexed to be included in such annexation when the contiguity requirement is achieved by annexing certain parcels of land.	22
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	Laid over until the next Special Orders calendar, retaining its place on the calendar.	26
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<b>HB01S2-1010</b>	by Representatives Mace, Cadman, Coleman, Marshall, Chavez, Daniel, Hodge, Jahn, Ragsdale, Sanchez, Tapia and Vigil; also Senator Hernandez--Concerning the creation of a regional planning agreement between certain local governments that are members of the metropolitan planning organization for the Denver region.	28
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	<u>Amendment No. 1, Public Policy and Planning Committee Amendment.</u>	33
	(Printed in Senate Journal, October 3, 2001, pages 56-58.)	34
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	<u>Amendment No. 2(L.021), by Senators Anderson and Hernandez.</u>	36
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	Amend reengrossed bill, page 4, after line 23, insert the following:	38
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	"(8) REGIONAL PLANNING AGREEMENT" MEANS THE AGREEMENT	40
	CREATED IN ACCORDANCE WITH AND THAT SATISFIES THE REQUIREMENTS	41
	OF THIS ARTICLE."	42
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	Renumber succeeding subsection accordingly.	44
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	<u>Amendment No. 3(L.022), by Senator Hernandez.</u>	46
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	Amend reengrossed bill, page 3, after line 6, insert the following:	48
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	<b>"29-20.5-101. Legislative declaration.</b> (1) THE GENERAL	50
	ASSEMBLY HEREBY FINDS AND DECLARES THAT THE PROTECTION OF	51
	COLORADO'S UNIQUE QUALITY OF LIFE, OPEN SPACES, ECONOMIC BASE,	52
	AGRICULTURAL LANDS, AND NATURAL RESOURCES IS A MATTER OF	53
	STATEWIDE CONCERN. THE GENERAL ASSEMBLY FURTHER FINDS AND	54
	DECLARES THAT EFFECTIVE PRESERVATION OF THESE CRITICAL RESOURCES	55
	REQUIRES COORDINATED ACTION AND PLANNING AT THE REGIONAL LEVEL	56
	IN THE DENVER METROPOLITAN REGION. SUCH COORDINATED ACTION AND	57
	PLANNING WOULD RESULT IN:	58
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	(a) MORE EFFICIENT USE OF PUBLIC FUNDS, INCLUDING STATE	60
	FUNDS, TO PROVIDE PUBLIC SERVICES AND INFRASTRUCTURE NEEDS;	61
		62
	(b) BETTER SOLUTIONS TO STATE AND REGIONAL PROBLEMS SUCH	63
	AS ENVIRONMENTAL POLLUTION, LACK OF AFFORDABLE HOUSING, AND	64
	INADEQUATE TRANSPORTATION SYSTEMS;	65
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	(c) ECONOMIC DEVELOPMENT WITH GREATER PRESERVATION OF	67
	OPEN SPACE AND AGRICULTURAL LANDS;	68
		69
	(d) MORE EFFICIENT USE OF LAND THAT IS ALREADY URBANIZED	70
	AND LAND TO BE DEVELOPED IN THE FUTURE; AND	71
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**HB01S2-1010**

(e) MORE EFFICIENT USE OF CENTRAL SERVICES.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS ARTICLE 20.5 TO GRANT THE LOCAL GOVERNMENTS THAT ARE OR BECOME MEMBERS OF THE REGIONAL PLANNING COMMISSION FOR THE DENVER METROPOLITAN REGION SUFFICIENT POWERS AND RESOURCES NECESSARY FOR COORDINATED ACTION AND PLANNING ESSENTIAL TO MORE EFFECTIVELY ANTICIPATE AND ADDRESS THE CONSEQUENCES OF GROWTH."

Renumber succeeding C.R.S. sections accordingly.

Page 8, line 15, strike "29-20.5-103 (2) (b)," and substitute "29-20.5-104 (2) (b),".

Page 9, line 6, strike "29-20.5-108." and substitute "29-20.5-109."

Page 10, line 13, strike "29-20.5-107 (2)" and substitute "29-20.5-108 (2)".

Amendment No. 4(L.025), by Senators Pascoe and Hernandez.

Amend reengrossed bill, page 3, after line 13, insert the following:

"(1) "COMMISSION" MEANS THE REGIONAL PLANNING COMMISSION CREATED BY SECTION 30-28-105, C.R.S., FOR THE DENVER METROPOLITAN REGION. "

Renumber succeeding subsections accordingly.

Page 4, line 23, strike "OR CITY AND COUNTY".

Page 5, line 14, before "THE", insert "(I)";

line 17, strike "THE LOCAL" and substitute "AT LEAST TWO-THIRDS OF THE MUNICIPALITIES WITHIN THE REGION, AT LEAST TWO-THIRDS OF THE COUNTIES WITHIN THE REGION, AND AT LEAST TWO-THIRDS OF THE MEMBERS OF THE COMMISSION REPRESENTING AT LEAST TWO-THIRDS OF THE POPULATION OF THE REGION, WHICH POPULATION SHALL BE DETERMINED BY THE DEPARTMENT. TO ENSURE THAT RESIDENTS OF THE INCORPORATED AREAS OF A COUNTY ARE NOT COUNTED TWICE, FOR PURPOSES OF THIS SECTION, THE POPULATION OF A COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES:

- (A) IN THE UNINCORPORATED AREAS OF THE COUNTY; AND
- (B) WITHIN ANY SUCH PORTION OF THE COUNTY THAT IS LOCATED WITHIN THE REGION.

(II) FOR PURPOSES OF THIS PARAGRAPH (c), A CITY AND COUNTY INT HE REGION SHALL BE CONSIDERED A COUNTY.";

strike lines 18 through 27.

Amendment No. 5(L.023), by Senator Pascoe.

Amend reengrossed bill, page 4, after line 23, insert the following:

"(8) "REGIONAL PLANNING AGREEMENT" MEANS THE AGREEMENT CREATED IN ACCORDANCE WITH AND THAT SATISFIES THE REQUIREMENTS OF THIS ARTICLE. "

Renumber succeeding subsection accordingly.

Amendment No. 6(L.026), by Senators Pascoe and Hernandez.

Amend reengrossed bill, page 3, after line 13, insert the following:

"(1) "COMMISSION" MEANS THE REGIONAL PLANNING COMMISSION CREATED BY SECTION 30-28-105, C.R.S., FOR THE DENVER METROPOLITAN REGION. "

**HB01S2-1010**

Renumber succeeding subsections accordingly.

Page 10, after line 14, insert the following:

**"29-20.5-109. Revenue sharing.** (1) WITH RESPECT TO ANY REVENUES FROM SALES, PROPERTY, OR OTHER APPLICABLE TAXES THAT MAY BE LEVIED BY A LOCAL GOVERNMENT WITHIN A PARTICULAR REGION ON NEW COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT IS COMMENCED AND COMPLETED ON OR AFTER JANUARY 1, 2002, THE COMMISSION SHALL HAVE THE AUTHORITY TO ESTABLISH A SYSTEM THAT MAY BE VOLUNTARY ON THE PART OF MEMBER GOVERNMENTS TO ALLOCATE SOME PORTION OF THE TAX REVENUES FROM SUCH DEVELOPMENT ON A PER CAPITA BASIS TO THE MEMBER GOVERNMENTS WITHIN THE REGION OR SUBREGION, WITH A PERCENTAGE OF SUCH REVENUES RESERVED FOR THE LOCAL GOVERNMENT WITHIN WHICH THE DEVELOPMENT TAKES PLACE, REGARDLESS OF WHETHER THE COMMISSION AND ITS MEMBER GOVERNMENTS HAVE ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT FOR SUCH PURPOSES PURSUANT TO SECTION 29-20-105. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO HAVE ANY EFFECT UPON ANY INTERGOVERNMENTAL AGREEMENT IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ACT.

(2) THE COMMISSION MAY DEVELOP A SET OF POLICIES TO GUIDE IT IN DETERMINING HOW REVENUES SHOULD BE ALLOCATED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION."

Amendment No. 7(L.027), by Senator Pascoe.

Amend reengrossed bill, page 9, line 3, after "AGREEMENT", insert "OR THE COMMISSION";

line 5, after "GOVERNMENT", insert "OR THE COMMISSION";

line 13, after "RELIEF", insert "OR THE COMMISSION";

line 17, after "RELIEF", insert "OR THE COMMISSION".

Page 10, line 7, after "GOVERNMENTS", insert "OR THE COMMISSION AND ONE OR MORE LOCAL GOVERNMENTS";

line 12, after "GOVERNMENT", insert "OR THE COMMISSION".

Amendment No. 8(L.028), by Senator Perlmutter.

Amend reengrossed bill, page 7, after line 8, insert the following:

"(c) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE REGION, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, MEMBER GOVERNMENTS, AND THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S., SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY OF THE RESIDENTS OF THE REGION IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS PARAGRAPH (c), "DISASTER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S."

Reletter succeeding paragraphs accordingly.

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

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

**SCR01S2-001** by Senator Fitz-Gerald--Submitting to the registered electors of the state of Colorado an amendment to add article XXVIII to the constitution of the state of Colorado, concerning the protection of Colorado's resources from the impacts of growth, and, in connection therewith, preserving certain resources, including lands used as working farms and ranches, open spaces, urban open lands, and water rights, and financing such protection through the retention of state revenues not to exceed fifty million dollars annually in excess of the constitutional limitation on state fiscal year spending.

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

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**AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

**HB01S2-1010** by Representatives Mace, Cadman, Coleman, Marshall, Chavez, Daniel, Hodge, Jahn, Ragsdale, Sanchez, Tapia and Vigil; also Senator Hernandez--Concerning the creation of a regional planning agreement between certain local governments that are members of the metropolitan planning organization for the Denver region.

Senator Hernandez moved to amend the Report of the Committee of the Whole to show that the following Anderson and Hernandez floor amendment, (L.021) to HB 01S2-1010, did not pass, and that HB 01S2-1010, as amended, did pass.

Call of the Senate.

Senator Perlmutter moved to raise the call. On request of Senator Hillman a roll call vote was taken with the following result:

YES	18	NO	14	EXCUSED	3	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Call Raised.

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted** by the following roll call vote:

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

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

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

Passed on Second Reading: **SB01S2-022** as amended, **HB01S2-1020** as amended, **HB01S2-1010** as amended, **SCR01S2-001**.

Laid over until the next Special Orders calendar: **HB01S2-1001**.

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

**CONSIDERATION OF RESOLUTIONS**

**SJR01S2-007** by Senator Linkhart; also Representative Borodkin--Concerning measures to improve the security of citizens of the state against terrorism.

Senator Linkhart moved to suspend Senate Rule 30(b).

**SJR01S2-007** A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(b) was suspended and Immediate Consideration granted.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Gordon, Hernandez, Isgar, Nichol, Pascoe, Perlmutter, Tate, Thiebaut, Windels.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01S2-1001**, **SB01S2-021**, **SB01S2-015** were made Special Orders at 4:57 p.m.

Committee of the Whole

The hour of 4:57 p.m. having arrived, Senator Perlmutter moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Perlmutter was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

**HB01S2-1001** by Representative Kester; also Senator Phillips--Concerning the opportunity for property owners adjacent to an area proposed to be annexed to be included in such annexation when the contiguity requirement is achieved by annexing certain parcels of land.

Amendment No. 1(L.004), by Senator Philips.

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

"**SECTION 1.** 29-20-105 (2) (f), Colorado Revised Statutes, is amended to read:

**29-20-105. Intergovernmental cooperation.** (2) (f) (I) An intergovernmental agreement may contain a ~~provision~~ PROVISIONS CONCERNING ANNEXATION, INCLUDING, BUT NOT LIMITED TO PROVISIONS:

(A) That a comprehensive development plan shall continue to control a particular land ~~area~~ AREAS even though the land ~~area is~~ AREAS ARE annexed or jurisdiction over the land ~~area~~ AREAS is otherwise transferred pursuant to law between the local governmental entities who are parties to the agreement;

(B) FOR REVENUE SHARING BETWEEN LOCAL GOVERNMENTS;  
AND

(C) CONCERNING LAND AREAS THAT MAY BE ANNEXED BY MUNICIPALITIES AND THE CONDITIONS RELATED TO SUCH ANNEXATIONS AS ESTABLISHED IN THE COMPREHENSIVE DEVELOPMENT PLAN.

(II) NOTHING IN THIS PARAGRAPH (f) SHALL BE CONSTRUED TO RENDER INVALID ANY INTERGOVERNMENTAL AGREEMENT OR COMPREHENSIVE DEVELOPMENT PLAN ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (f), AS AMENDED."

Renumber succeeding sections accordingly.

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

**SB01S2-021** by Senator Tate--Concerning the congressional redistricting of Colorado. 1  
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 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 3  
 Passage. 4  
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**SB01S2-015** by Senators Hernandez and Perlmutter--Concerning land development charges that may be 6  
 imposed by local governments. 7  
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Amendment No. 1, Public Policy and Planning Committee Amendment. 9  
 (Printed in Senate Journal, October 3, 2001, pages 47-50.) 10  
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 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 12  
 Passage. 13  
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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 15  
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On motion of Senator Perlmutter, the Report of the Committee of the Whole was adopted 17  
 and, a majority of all members elected having voted in the affirmative, the following 18  
 action was taken: 19  
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Passed on Second Reading: **HB01S2-1001** as amended, **SB01S2-021**, **SB01S2-015** as 21  
 amended. 22  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having 24  
 voted in the affirmative, the balance of the calendar of Wednesday, October 3, 2001, was 25  
 laid over until Thursday, October 4, 2001, retaining its place on the calendar. 26  
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Second Reading of Bills: **SB01S2-007**, **SB01S2-014**. 28  
 Consideration of Resolutions: **SJR01S2-002**. 29  
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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, October 31  
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Approved: 35  
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 President of the Senate 40

Attest: 41  
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