

HOUSE JOURNAL
SIXTY-THIRD GENERAL ASSEMBLY
STATE OF COLORADO
First Extraordinary Session

Fifth Legislative Day

Monday, May 14, 2001

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

3
4 The Speaker called the House to order at 10:00 a.m.

5
6 The roll was called with the following result:

7
8 Present--55.
9 Excused for Legislative Business--Representative Alexander--1.
10 Excused--Representatives Clapp, Hefley, Lawrence, Marshall,
11 Paschall, Ragsdale, Schultheis, Spence, White--9.

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14 The Speaker declared a quorum present.

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17 On motion of Representative Sanchez, the reading of the journal of
18 May 10, 2001, was declared dispensed with and approved as corrected by
19 the Chief Clerk.

COMMITTEE CHANGE

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25 The Speaker announced that for purpose of allowing the Committees on
26 Local Government and State, Veterans, & Military Affairs to meet at the
27 same time there needed to be a change in committee categories.

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29 Representative Spradley moved that the Committee on State, Veterans,
30 & Military Affairs be changed from a Category 1 committee to a
31 Category 2 committee for the duration of the First Extraordinary Session.
32 The motion was adopted by unanimous consent.

APPOINTMENTS

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38 The Speaker announced the appointment of Representative Stengel to
39 replace Representative Schultheis on the Committee on State, Veterans,
40 & Military Affairs for the duration of the First Extraordinary Session.

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44 House in recess. House reconvened.
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MESSAGE FROM THE SENATE

1
2 Mr. Speaker:

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4 The Senate has adopted and returns herewith: HJR01S-1001.
5 Pursuant to the resolution, the President has appointed Senators
6 Perlmutter, Chairman and Cairns.

7
8 The Senate has adopted and returns herewith: HJR01S-1002.
9 Pursuant to the resolution, the President has appointed Takis, Chairman,
10 Hagedorn and Evans.

INTRODUCTION OF BILLS
First Reading

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

19
20 **HB01S-1001** by Representative(s) Stengel--Concerning the creation of
21 an interim committee to evaluate land designations.
22 Committee on State, Veterans, & Military Affairs

23
24 **HB01S-1002** by Representative(s) Swenson--Concerning the inclusion
25 of planning criteria relating to public utilities in the local
26 government planning process.
27 Committee on Local Government

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31 House in recess for Joint Session.

JOINT SESSION

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37 The Joint Session was called to order by the Speaker of the House,
38 Doug Dean.

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40 On motion of Senator Thiebaut, the morning roll call of the Senate was
41 made the roll call of the Joint Session.

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43 Present--33.
44 Excused--Nichol, Owen.

45
46 On motion of Representative Spradley, the morning roll call of the House
47 was made the roll call of the Joint Session.

48
49 Present--55.
50 Excused--Representatives Alexander, Clapp, Hefley, Lawrence,
51 Marshall, Paschall, Ragsdale, Schultheis, Spence, White.

52
53 The Speaker declared a quorum present and as is customary presented the
54 gavel to the President of the Senate to preside over the joint session.
55

1 President Matsunaka requested the Joint Committee, composed of
2 Senators Takis, Hagedorn, Evans, and Representatives Stengel, Scott,
3 Grossman to escort the Governor from the Governor's Chambers to the
4 rostrum.

5
6 Chief Sergeant-at-Arms Suman announced the arrival of the Honorable
7 Bill Owens, Governor of the State of Colorado.

8
9 The Joint Committee escorted the Governor to the rostrum where he
10 addressed the Joint Session.

11
12 The Joint Committee escorted the Governor from the Chambers.

13
14 On motion of Representative Spradley, the Governor's message was
15 ordered printed in the House Journal.

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19 **ADDRESS BY THE HONORABLE**
20 **Bill Owens**

21
22 President Matsunaka, Speaker Dean, Honorable Senators and Representatives,
23 thank you for being here today. I realize that this isn't exactly how you had
24 originally planned to spend today, but I am happy to see you.

25
26 We are here today because we have some unfinished business that the people
27 of Colorado expect us to finish. Simply put, we are here to pass legislation that
28 will allow Colorado to better manage its growth and its future.

29
30 But before talking about growth, let me review some of the positive
31 accomplishments we achieved by working together this session. During the last
32 few days of partisan wrangling on growth, that disagreement overshadowed the
33 good work of this Legislature and all that was accomplished.

34
35 There is an old Jesuit motto that says, "A great deal of good can be done
36 if one is not too concerned about who gets the credit."

37
38 This saying well describes what we were able to accomplish in the areas
39 of education, public safety, rural health care and open space. We came together
40 on these issues - Republicans and Democrats, the House and the Senate, the
41 legislative and the executive branches.

42
43 Look at what we accomplished working together:

44
45 In Education:

- 46
47
- 48 • We met the budget challenges presented by Amendment 23 without
 - 49 harming transportation funding;
 - 50 • We added \$51 million over four years for teacher pay incentives in
 - 51 low-performing schools;
 - 52 • We invested \$40 million in up-to-date textbook funding;
 - 53 • We funded full-day kindergarten in low-performing schools for the first
 - 54 time in Colorado history;
 - 55 • We provided student loan forgiveness for new teachers to encourage
 - 56 more people to enter the teaching profession.

1 In the area of Public Safety:

2

- 3 • We provided funding for Ft. Lyon to provide facilities for mentally ill
- 4 inmates;
- 5 • We approved lease-purchase agreements to add 384 maximum security
- 6 beds at the Arkansas Valley and San Carlos facilities.
- 7

8 To better care for the health of Colorado's citizens:

9

- 10 • We reformed the structure of the Children's Health Plan to make it
- 11 more effective, thus allowing more low-income children to receive
- 12 health insurance;
- 13 • We allowed dental hygienists to improve dental care for low-income
- 14 children by billing Medicaid directly;
- 15 • We provided greater access to health insurance for rural Coloradans by
- 16 reforming the rules under which health plans operate.
- 17

18 Open Space/Environment:

19

- 20 • We provided for water banking;
- 21 • We put GOCO bonding on the ballot this November;
- 22 • We expanded tax credits for conservation easements – again to increase
- 23 open space.
- 24

25 Friends, we took a number of significant steps toward protecting

26 Colorado's natural landscapes this year. But we didn't finish our job. We can,

27 we *must* do more. To do so, we have to go into this special session

28 remembering why we are here. We are here because the people of Colorado

29 elected us. And they elected us because they trust us to do what is in their best

30 interest.

31

32 And to do so, we have to go into this special session with the right spirit.

33 And that spirit is one of bi-partisan cooperation. The same cooperation that

34 accomplished all that I've just discussed.

35

36 When it comes to growth management, there is much common ground.

37 There is much we agree on. We agree that fast growing communities should

38 have comprehensive plans that are enforceable. We agree that new

39 mechanisms to resolve disputes between these plans are needed, and that the

40 Denver area needs enhanced regionally planning capabilities. And we agree

41 that it is time to reign in sprawl by reforming flagpole annexations.

42

43 If we could accomplish these four items, it would be the most significant

44 reform of Colorado land use laws in more than 25 years. For example, I first

45 tried to reform flagpole annexations in 1984. Former State Senator Bill

46 Schroeder tried unsuccessfully for years after that – and Rep. Matt Smith after

47 that. Accomplishing flagpole annexation reform would indeed be a huge

48 victory.

49

50 We agree that giving the comprehensive plans of local governments the

51 force of law would help our communities better plan – a change that would

52 indeed be significant.

53

54 We agree that fast growing communities should have comprehensive plans

55 that are enforceable, and that we should provide additional funds, through the

56 Office of Smart Growth, to help defray the cost of planning for some of those

1 communities.

2

3 We agree on these things – agreement that did not exist even one or two
4 years ago. I know of several legislators sitting in this chamber today who
5 would never have voted for binding comprehensive plans two or three sessions
6 ago but who are prepared to do so today.

7

8 Coloradans and their elected officials are ready to change land use laws so
9 we can better manage growth. Let us make these changes now, in this special
10 session.

11

12 I know there are legislators who also want to pass growth boundaries,
13 affectionately known as urban service areas. And there are other legislators
14 who want to make it easier for developers to build within our urban areas,
15 known as the "presumption of buildability." But "urban service areas" and
16 "buildability" mean different things to different people.

17

18 I am not opposed to either concept so long as they protect private property
19 rights, ensure our economic prosperity is secure, promote affordable housing,
20 and assist our struggling farmers, ranchers and rural communities.

21

22 Friends, if you are able to figure out how urban service areas and
23 buildability can be implemented in a way that protects those values, more
24 power to you. I'd sign it into law.

25

26 But I am also a realist. Over the past three years in Colorado, four different
27 attempts to accomplish just this failed. The people's elected representatives
28 rejected urban service areas and buildability in 1999, 2000, and 2001. And
29 then last November, 70% of Colorado voters rejected these concepts. At some
30 point we have to see the writing on the wall.

31

32 At some point we have to realize that Coloradans may just not want urban
33 service areas and buildability. But they *do* want binding comprehensive
34 planning, alternative dispute resolution, flagpole annexation reform and better
35 regional planning in the Denver metropolitan area.

36

37 So I look forward to a productive special session. If you want to try one
38 more time regarding urban service areas and buildability, go for it. Just make
39 sure that affordable housing, private property rights and rural Colorado are
40 protected.

41

42 But if you are not able to reach agreement, then I believe we owe it to the
43 citizens of this state to pass something upon which we agree. It is wrong to say
44 that it is "all or nothing." Life doesn't work that way. Democracies don't work
45 that way. Legislatures don't work that way.

46

47 Senator Matsunaka, when we had an honest difference of opinion on
48 Amendment 23 funding and smaller classrooms, I could have kept those funds
49 in escrow simply through the power of my veto. But instead, I called you, we
50 talked, and I gave a lot in that compromise.

51

52 Friends, just like then, we don't need to worry about who gets the credit.
53 We need to set aside partisan jockeying. We need to pull together –
54 Republicans and Democrats, the House and the Senate, the legislative and the
55 executive – and reach our destination, together.

56

1 There is an old saying about how difficult it is to know if you've arrived,
2 if you don't know where you are going. I believe we share a common vision
3 for Colorado's future. A future that is prosperous. A future that protects our
4 most precious open space and scenic vistas. A future where our communities
5 plan wisely for growth. A future that protects Colorado's quality of life for our
6 children and our grandchildren.

7
8 There are many ways to accomplish this future. There is no silver bullet
9 nor one easy answer. We may not accomplish it all this special session. But
10 we can start down the path. We can begin protecting what is best about
11 Colorado. Working together, we can pass sensible growth management
12 legislation. Working together we can build a Colorado that continues to make
13 us proud.

14
15 Thank you, God bless you, and God bless Colorado.

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19 On motion of Senator Thiebaut, the Joint Session was dissolved.

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23 House reconvened.

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27 **INTRODUCTION OF BILLS**
28 **First Reading**

29
30 The following bills were read by title and referred to the committees
31 indicated:

32
33 **HB01S-1003** by Representative(s) Madden, Marshall, Groff, Tapia,
34 Williams T.; also Senator Hillman--Concerning
35 procedures to resolve conflict arising from local
36 government decisions relating to comprehensive plans.

37 Committee on Local Government

38
39 **HB01S-1004** by Representative(s) Jameson--Concerning the
40 coordination of land use planning on a regional basis.

41 Committee on State, Veterans, & Military Affairs

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45 **APPOINTMENTS**

46
47 Minority Leader Grossman announced the following changes in
48 committee assignments for the duration of the First Extraordinary
49 Session:

50 Representative Tapia to replace Representative Grossman on the
51 Committee on State, Veterans, & Military Affairs;

52 Representative Vigil to replace Representative Veiga on the Committee
53 on Local Government;

54 Representative Hodge to replace Representative Weddig on the
55 Committee on Local Government.

56

1 House in recess. House reconvened.
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4 **INTRODUCTION OF BILLS**
5 **First Reading**
6

7 The following bills were read by title and referred to the committees
8 indicated:
9

10 **HB01S-1005** by Representative(s) Stengel--Concerning growth
11 management in Colorado, and making an appropriation
12 therefor.

13 Committee on State, Veterans, & Military Affairs
14 Committee on Appropriations
15

16 **HB01S-1006** by Representative(s) Coleman, Webster, Mace, Marshall,
17 Williams S., Boyd, Daniel, Hoppe, Kester, King, Miller,
18 Rippy, Smith, Tapia; also Senator(s) Hernandez--
19 Concerning grants awarded by the office of smart growth
20 for the development of master plans by local governments,
21 and making an appropriation therefor.

22 Committee on Appropriations
23

24 **HB01S-1007** by Representative(s) Paschall--Concerning the exemption
25 of certain local governments from any master plan
26 requirements that are contained in any new law that is
27 effective after May 1, 2001.

28 Committee on Local Government
29 Committee on Appropriations
30

31 **HB01S-1008** by Representative(s) Kester, Hoppe, Boyd, Cloer,
32 Coleman, Crane, Daniel, Fritz, Johnson, King, Mace,
33 Miller, Mitchell, Nunez, Romanoff, Smith, Snook,
34 Spradley, Stafford, Tapia, Webster, Williams S., Williams
35 T., Witwer, Young--Concerning the opportunity for
36 property owners adjacent to an area proposed to be
37 annexed to be included in such annexation when the
38 contiguity requirement is achieved by annexing certain
39 parcels of land.

40 Committee on Local Government
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44 On motion of Representative Spradley, the House adjourned until
45 9:00 a.m., May 15, 2001.
46

47 Approved:

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50
51 DOUG DEAN,
52 Speaker

53 Attest:

54
55 JUDITH RODRIGUE,
56 Chief Clerk