

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

Seventh Legislative Day

Wednesday, May 16, 2001

1 Prayer by the Reverend Charles Exley, Lutheran Church of the
2 Resurrection, Lakewood.

3
4 The Speaker called the House to order at 9:00 a.m.

5
6 The roll was called with the following result:

7
8 Present--56.
9 Excused--Representatives Hefley, Marshall, Paschall, Ragsdale,
10 Schultheis, Spence, Spradley, Weddig, Williams S.--9.
11 Present after roll call--Representative Weddig.

12
13 The Speaker declared a quorum present.

14
15
16 On motion of Representative Sanchez, the reading of the journal of
17 May 15, 2001, was declared dispensed with and approved as corrected by
18 the Chief Clerk.

19
20
21
22 **REPORTS OF COMMITTEES OF REFERENCE**

23
24 **LOCAL GOVERNMENT**

25 After consideration on the merits, the Committee recommends the
26 following:

27
28 **HB01S-1003** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31
32 Amend printed bill, page 3, line 20, after the period, add "RELEVANT
33 SECTIONS OF THE "DISPUTE RESOLUTION ACT", PART 3 OF ARTICLE 22 OF
34 TITLE 13, C.R.S., MAY BE USED UPON AGREEMENT OF THE PARTIES.";

35
36 line 23, strike everything after the period and insert "THE EXPENSES OF
37 THE MEDIATION SHALL BE EQUALLY BORNE BY EACH LOCAL GOVERNMENT
38 AGREEING TO THE MEDIATION.";

39
40 strike lines 24 through 27.

41
42 Page 4, strike lines 1 through 20.

43
44 Renumber succeeding subsections accordingly.

45

- 1 Page 4, line 21, strike "AND ARBITRATING";
- 2
- 3 line 26, strike "MEDIATORS OR" and substitute "MEDIATORS.";
- 4
- 5 line 27, strike "ARBITRATORS, HOWEVER," and substitute "HOWEVER,".
- 6
- 7 Page 5, line 1, strike "OR ARBITRATORS";
- 8
- 9 line 3, strike "OR ARBITRATION";
- 10
- 11 line 8, strike "AND ARBITRATION PROCESSES" and substitute "PROCESS";
- 12
- 13 line 9, strike "ARE" and substitute "IS";
- 14
- 15 strike lines 11 through 15.
- 16
- 17 Renumber succeeding subsection accordingly.
- 18
- 19 Page 5, strike lines 23 through 25 and substitute the following:
- 20

21 **"SECTION 2. Effective Date.** This act shall take effect at 12:01
 22 a.m. on the day following the expiration of the ninety-day period after
 23 final adjournment of the general assembly that is allowed for submitting
 24 a referendum petition pursuant to article V, section 1 (3) of the state
 25 constitution; except that, if a referendum petition is filed against this act
 26 or an item, section, or part of this act within such period, then the act,
 27 item, section, or part, if approved by the people, shall take effect on the
 28 date of the official declaration of the vote thereon by proclamation of the
 29 governor."
 30
 31
 32
 33

34 **STATE, VETERANS, & MILITARY AFFAIRS**

35 After consideration on the merits, the Committee recommends the
 36 following:

37
 38 **HB01S-1009** be postponed indefinitely.

39
 40
 41 **HB01S-1014** be postponed indefinitely.

42 _____
 43
 44
 45 **PRINTING REPORT**

46
 47 The Chief Clerk reports the following bills have been correctly printed:
 48 **HB01S-1016, 1017.**

49 _____
 50
 51
 52 On motion of Representative King, **HB01S-1015, 1008, 1012, 1013** were
 53 made Special Orders on Wednesday, May 16, 2001, at 9:12 a.m.
 54
 55 _____
 56

1 The hour of 9:12 a.m., having arrived, on motion of Representative
2 Hoppe, the House resolved itself into Committee of the Whole for
3 consideration of Special Orders and she was called to the Chair to act as
4 Chairman.

5

6

7 SPECIAL ORDERS--SECOND READING OF BILLS

8

9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:

13

14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)

16

17 **HB01S-1015** by Representative(s) Stengel; also Senator(s) McElhany--
18 Concerning mandatory comprehensive land use planning
19 by local governments to address the impacts caused by
20 growth.

21

22 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
23 May 15, 2001, and placed in member's bill file; Report also printed in
24 House Journal, May 15, page 19.

25

26 Amendment No. 2, by Representative Smith.

27

28 Amend printed bill, page 8, strike lines 25 through 27.

29

30 Page 9, strike lines 1 through 4.

31

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

33

34 Page 9, strike lines 22 and 23 and substitute the following:

35

36 "GOVERNMENTS.";

37

38 line 24, strike "SHALL GOVERN; EXCEPT THAT THESE" and substitute
39 "THESE".

40

41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.

43

44 **HB01S-1008** by Representative(s) Kester, Hoppe, Boyd, Cloer,
45 Coleman, Crane, Daniel, Fritz, Johnson, King, Mace,
46 Miller, Mitchell, Nuñez, Romanoff, Smith, Snook,
47 Spradley, Stafford, Tapia, Webster, Williams S., Williams
48 T., Witwer, Young--Concerning the opportunity for
49 property owners adjacent to an area proposed to be
50 annexed to be included in such annexation when the
51 contiguity requirement is achieved by annexing certain
52 parcels of land.

53

54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.

56

1 **HB01S-1012** by Representative(s) Mace, Coleman, Marshall,
2 Williams S.--Concerning the creation of a regional
3 planning agreement between certain local governments
4 that are members of the metropolitan planning
5 organization for the Denver region.
6

7 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
8 May 15, 2001, and placed in member's bill file; Report also printed in
9 House Journal, May 15, page 19.

10
11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13

14 **HB01S-1013** by Representative(s) Mitchell, Coleman--Concerning an
15 alternative dispute resolution mechanism for resolving
16 disputes among local governments arising from
17 comprehensive planning.
18

19 Amendment No. 1, Local Government Report, dated May 15, 2001, and
20 placed in member's bill file; Report also printed in House Journal,
21 May 15, page 18.
22

23 Amendment No. 2, by Representative Hoppe.
24

25 Amend the Local Government Committee Report, dated May 15, 2001,
26 strike lines 1 and 2 and substitute the following:
27

28 "Amend printed bill, page 3, strike lines 22 and 23 and substitute the
29 following:
30

31 "(3) A PROPERTY OWNER IN ANY LAND AREA COVERED BY A
32 PROPOSED OR ADOPTED COMPREHENSIVE PLAN SHALL HAVE STANDING TO
33 PARTICIPATE IN ANY ALTERNATIVE DISPUTE RESOLUTION PROCESS
34 BETWEEN OR AMONG LOCAL GOVERNMENTS";
35

36 strike lines 25 and 26 and substitute the following:
37

38 "PROPERTY OWNER GUARANTEED BY THE COLORADO CONSTITUTION OR
39 THE COLORADO REVISED STATUTES.";"
40

41 after line 6 of the report, insert the following:
42

43 "line 15, after the period, insert "IF A LOCAL GOVERNMENT FILES SUCH AN
44 ACTION, ANY LANDOWNER OR REGISTERED ELECTOR THAT PARTICIPATED
45 IN AN ALTERNATIVE DISPUTE RESOLUTION PROCESS PURSUANT TO
46 SUBSECTION (3) OF THIS SECTION SHALL HAVE STANDING TO APPEAR AS A
47 PARTY IN THE ACTION.";"
48

49 Amendment No. 3, by Representative Miller.
50

51 Amend the Amendment No. 2, by Representative Hoppe, printed in
52 House Journal page 24, line 44, strike "OR REGISTERED ELECTOR".
53

54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

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

2

3 Representatives Smith and Grossman moved to amend the Report of the
 4 Committee of the Whole to show that Amendment No. 2, by
 5 Representative Hoppe (printed in House Journal page 24, lines 23-47) to
 6 HB01S-1013, as amended by Amendment No. 3, by Representative
 7 Miller (printed in House Journal, page 24 lines 49-52) to HB01S-1013,
 8 did not pass, and that **HB01S-1013, as amended**, did pass.

9

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

11

12 YES 22 NO 35 EXCUSED 8 ABSENT 0

13

14 Alexander	N	Groff	Y	Miller	N	Spence	E
15 Bacon	Y	Grossman	Y	Mitchell	N	Spradley	E
16 Berry	N	Hefley	E	Nuñez	N	Stafford	N
17 Borodkin	Y	Hodge	Y	Paschall	E	Stengel	N
18 Boyd	Y	Hoppe	N	Plant	Y	Swenson	Y
19 Cadman	N	Jahn	N	Ragsdale	E	Tapia	Y
20 Chavez	Y	Jameson	Y	Rhodes	N	Tochtrop	Y
21 Clapp	N	Johnson	N	Rippy	N	Veiga	Y
22 Cloer	N	Kester	N	Romanoff	Y	Vigil	Y
23 Coleman	N	King	N	Saliman	Y	Webster	N
24 Crane	N	Larson	N	Sanchez	Y	Weddig	Y
25 Daniel	N	Lawrence	N	Schultheis	E	White	N
26 Decker	N	Lee	N	Scott	N	Williams S.	E
27 Fairbank	N	Mace	Y	Sinclair	N	Williams T.	N
28 Fritz	N	Madden	Y	Smith	Y	Witwer	N
29 Garcia	Y	Marshall	E	Snook	N	Young	N
30						Mr. Speaker	N

31

32

33

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

35

36 Passed Second Reading: **HB01S-1015 amended, 1008, 1012 amended,**
 37 **1013 amended.**

38

39 The Chairman moved the adoption of the Committee of the Whole
 40 Report. As shown by the following roll call vote, a majority of those
 41 elected to the House voted in the affirmative, and the Report was
 42 **adopted.**

43

44 YES 53 NO 4 EXCUSED 8 ABSENT 0

45

46 Alexander	Y	Groff	Y	Miller	Y	Spence	E
47 Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	E
48 Berry	Y	Hefley	E	Nuñez	Y	Stafford	Y
49 Borodkin	Y	Hodge	Y	Paschall	E	Stengel	Y
50 Boyd	Y	Hoppe	Y	Plant	N	Swenson	Y
51 Cadman	Y	Jahn	Y	Ragsdale	E	Tapia	Y
52 Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
53 Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
54 Cloer	Y	Kester	Y	Romanoff	Y	Vigil	N
55 Coleman	Y	King	Y	Saliman	N	Webster	Y
56 Crane	Y	Larson	Y	Sanchez	Y	Weddig	N

1	Daniel	Y	Lawrence	Y	Schultheis	E	White	Y
2	Decker	Y	Lee	Y	Scott	Y	Williams S.	E
3	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
4	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
5	Garcia	Y	Marshall	E	Snook	Y	Young	Y
6							Mr. Speaker	Y

7

8

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11

REPORT OF COMMITTEE OF REFERENCE

12

APPROPRIATIONS

14 After consideration on the merits, the Committee recommends the
15 following:

16

17 **HB01S-1001** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

21 Strike the State, Veterans, and Military Affairs Committee Report, dated
22 May 15, 2001, and substitute the following:

23

24 "Amend printed bill, page 3, line 11, strike "FIFTEEN" and substitute
25 "TEN";

26

27 strike lines 15 through 17 and substitute the following:

28

29 "PRESIDENT OF THE SENATE PURSUANT TO SENATE RULES, NO MORE THAN
30 THREE OF WHOM SHALL BE FROM THE SAME POLITICAL PARTY.";

31

32 line 19, strike "REPRESENTATIVES. SUCH APPOINTEES";

33

34 strike lines 20 and 21 and substitute the following:

35

36 "REPRESENTATIVES PURSUANT TO HOUSE RULES, NO MORE THAN THREE OF
37 WHOM SHALL BE FROM THE SAME POLITICAL PARTY.";

38

39 strike lines 24 and 25 and substitute the following:

40

41 "AREAS OF THE STATE.";

42

43 line 26, strike "SENATE," and substitute "SENATE AND";

44

45 line 27, strike REPRESENTATIVES, AND THE GOVERNOR" and substitute
46 "REPRESENTATIVES".

47

48 Page 4, strike line 14 and substitute the following:

49

50 "MAJORITY OF THE MEMBERS OF THE COMMITTEE";

51

52 strike line 18 and substitute the following:

53

54 "C.R.S., UNLESS A MAJORITY OF ALL MEMBERS".

55

56

1 House in recess. House reconvened.
2
3

4 On motion of Representative King, **HB01S-1002, 1001, 1003** were made
5 Special Orders on Wednesday, May 16, 2001, at 2:33 p.m.
6
7

8 The hour of 2:33 p.m., having arrived, on motion of Representative
9 Hoppe, the House resolved itself into Committee of the Whole for
10 consideration of Special Orders and she was called to the Chair to act as
11 Chairman.
12
13

14 **SPECIAL ORDERS--SECOND READING OF BILLS**
15

16 The Committee of the Whole having risen, the Chairman reported the
17 titles of the following bills had been read (reading at length had been
18 dispensed with by unanimous consent), the bills considered and action
19 taken thereon as follows:
20

21 (Amendments to the committee amendment are to the printed committee
22 report which was printed and placed in the members' bill file.)
23

24 **HB01S-1002** by Representative(s) Swenson; also Senator(s) Taylor--
25 Concerning the inclusion of planning criteria relating to
26 public utilities in the local government planning process.
27

28 Amendment No. 1, Local Government Report, dated May 15, 2001, and
29 placed in member's bill file; Report also printed in House Journal,
30 May 15, pages 17-18.
31

32 Amendment No. 2, by Representative Smith.
33

34 Amend printed bill, page 2, line 7, strike "ADEQUATE AND RELIABLE".
35

36 Page 4, line 11, strike "ADEQUATE AND";
37

38 line 12, strike "RELIABLE".
39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.
42

43
44 Committee in recess. Committee reconvened.
45
46

47 **HB01S-1001** by Representative(s) Stengel; also Senator(s) McElhany--
48 Concerning the creation of an interim committee to
49 evaluate land designations.
50

51 Amendment No. 1, Appropriations Report, dated May 16, 2001, and
52 placed in member's bill file; Report also printed in House Journal,
53 May 16, page 26.
54

55 As amended, ordered engrossed and placed on the Calendar for Third
56 Reading and Final Passage.

1 **HB01S-1003** by Representative(s) Madden, Marshall, Groff, Tapia,
2 Williams T.; also Senator(s) Hillman--Concerning
3 procedures to resolve conflict arising from local
4 government decisions relating to comprehensive plans.
5

6 Amendment No. 1, Local Government Report, dated May 15, 2001, and
7 placed in member's bill file; Report also printed in House Journal,
8 May 16, pages 21-22.
9

10 Amendment No. 2, by Representative Madden.

11
12 Amend printed bill, page 5, line 5, strike "OR (3)".
13

14 Amendment No. 3, by Representative Swenson.

15
16 Amend printed bill, page 2, line 15, after "INFRASTRUCTURE," insert
17 "MAJOR ELECTRIC OR NATURAL GAS FACILITIES,".
18

19 Amendment No. 4, by Representative Mitchell.

20
21 Amend printed bill, page 3, after line 25, insert the following:
22

23 "(3) A PROPERTY OWNER IN ANY LAND AREA COVERED BY A
24 PROPOSED OR ADOPTED COMPREHENSIVE PLAN SHALL HAVE STANDING TO
25 PARTICIPATE IN ANY ALTERNATIVE DISPUTE RESOLUTION PROCESS
26 BETWEEN OR AMONG LOCAL GOVERNMENTS CONDUCTED PURSUANT TO
27 THIS SECTION TO PROTECT ANY RIGHTS OF THE PROPERTY OWNER
28 GUARANTEED BY THE COLORADO CONSTITUTION OR BY LAW."
29

30 Renumber succeeding subsections accordingly.
31

32 Page 5, line 21, after "LOCATED.", insert "IF A LOCAL GOVERNMENT FILES
33 SUCH A CLAIM OR CAUSE OF ACTION, ANY PROPERTY OWNER THAT
34 PARTICIPATED IN AN ALTERNATIVE DISPUTE RESOLUTION PROCESS
35 PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL HAVE STANDING TO
36 APPEAR AS A PARTY IN THE ACTION."
37

38 Amendment No. 5, by Representative Mitchell.

39
40 Amend the Amendment No. 4, by Representative Mitchell, printed in
41 House Journal page 28, line 28, strike "LAW." and substitute "LAW AND
42 THAT ARE AFFECTED BY THE ISSUE IN DISPUTE BETWEEN THE LOCAL
43 GOVERNMENTS.".
44

45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.
47

48
49
50 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

51
52 Passed Second Reading: **HB01S-1002 amended, 1001 amended,**
53 **1003 amended.**
54
55

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES 56	NO 0	EXCUSED 9	ABSENT 0		
8 Alexander	Y	Groff	Y	Miller	Y	Spence E
9 Bacon	Y	Grossman	Y	Mitchell	Y	Spradley E
10 Berry	Y	Hefley	E	Nuñez	Y	Stafford Y
11 Borodkin	Y	Hodge	Y	Paschall	E	Stengel Y
12 Boyd	Y	Hoppe	Y	Plant	Y	Swenson Y
13 Cadman	Y	Jahn	E	Ragsdale	E	Tapia Y
14 Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop Y
15 Clapp	Y	Johnson	Y	Rippy	Y	Veiga Y
16 Cloer	Y	Kester	Y	Romanoff	Y	Vigil Y
17 Coleman	Y	King	Y	Saliman	Y	Webster Y
18 Crane	Y	Larson	Y	Sanchez	Y	Weddig Y
19 Daniel	Y	Lawrence	Y	Schultheis	E	White Y
20 Decker	Y	Lee	Y	Scott	Y	Williams S. E
21 Fairbank	Y	Mace	Y	Sinclair	Y	Williams T. Y
22 Fritz	Y	Madden	Y	Smith	Y	Witwer Y
23 Garcia	Y	Marshall	E	Snook	Y	Young Y
						Mr. Speaker Y

REPORTS OF COMMITTEE OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

32 After consideration on the merits, the Committee recommends the
 33 following:

35 **HB01S-1005** be postponed indefinitely.

38 **HB01S-1016** be postponed indefinitely.

42 House in recess. House reconvened.

REPORT OF COMMITTEE OF REFERENCE

APPROPRIATIONS

49 After consideration on the merits, the Committee recommends the
 50 following:

52 **HB01S-1006** be amended as follows, and as so amended, be referred to
 53 the Committee of the Whole with favorable
 54 recommendation:

56 Amend printed bill, page 2, line 10, strike "AS OTHERWISE AUTHORIZED

1 BY LAW," and substitute "IN DEVELOPING A MASTER PLAN IN CONFORMITY
2 WITH OTHER AUTHORIZING STATUTES GOVERNING MASTER PLANS,";

3
4 strike lines 21 through 25.

5
6 Page 3, strike lines 1 through 12 and substitute the following:

7
8 **"SECTION 3.** 39-29-109 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10
11 **39-29-109. Severance tax trust fund - created - administration**
12 **- use of moneys - repeal.** (1) (f) (I) NOTWITHSTANDING ANY PROVISION
13 IN THIS SECTION TO THE CONTRARY, FOR THE STATE FISCAL YEAR
14 COMMENCING JULY 1, 2001, THE GENERAL ASSEMBLY SHALL APPROPRIATE
15 AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS FROM
16 THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO THE
17 COLORADO HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-
18 3207, C.R.S., FOR THE PURPOSE OF INCREASING AVAILABLE FUNDS UNDER
19 THE PROGRAM.

20
21 (II) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JULY 1, 2002.

22
23 **SECTION 4. Appropriation.** In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 operational account of the severance tax trust fund created in section
26 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the
27 Colorado heritage communities fund created in section 24-32-3207,
28 Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the
29 sum of three hundred thousand dollars (\$300,000).

30
31 (2) In addition to any other appropriation, there is hereby
32 appropriated to the department of local affairs for allocation to the office
33 of smart growth, out of any moneys in the Colorado heritage communities
34 fund not otherwise appropriated, for the fiscal year beginning July 1,
35 2001, the sum of three hundred thousand dollars (\$300,000), or so much
36 thereof as may be necessary, for the issuance of grants pursuant to section
37 24-32-3203 (3) (d), Colorado Revised Statutes.

38
39 (3) The general assembly has determined that this act can be
40 implemented within existing FTE, and therefore no separate appropriation
41 of state moneys is necessary for additional FTE to carry out the
42 provisions of this act.

43
44 **SECTION 5. Effective date.** This act shall take effect upon
45 passage; except that sections 1, 3, and 4 shall only take effect if at least
46 one or more of the following bills are enacted at the first extraordinary
47 session of the sixty-third general assembly:

48
49 (a) HB01S-1015;
50 (b) HB01S-1017;
51 (c) SB01S-012."

52
53 Renumber succeeding section accordingly.

54
55
56

1 On motion of Representative King, **HB01-1006** was made Special Orders
2 on Wednesday, May 16, 2001, at 4:30 p.m.

3
4
5 The hour of 4:30 p.m., having arrived, on motion of Representative
6 Hoppe, the House resolved itself into Committee of the Whole for
7 consideration of Special Orders and she was called to the Chair to act as
8 Chairman.

9
10
11 **SPECIAL ORDERS--SECOND READING OF BILL**

12
13 The Committee of the Whole having risen, the Chairman reported the title
14 of the following bill had been read (reading at length had been dispensed
15 with by unanimous consent), the bill considered and action taken thereon
16 as follows:

17
18 (Amendments to the committee amendment are to the printed committee
19 report which was printed and placed in the members' bill file.)

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

27
28 Amendment No. 1, Appropriations Report, dated May 16, 2001, and
29 placed in member's bill file; Report also printed in House Journal,
30 May 16, pages 29-30.

31
32 Amendment No. 2, by Representative Coleman.

33
34 Amend the Appropriations Committee Report, dated May 16, 2001, page
35 1, line 12, strike "THREE HUNDRED THOUSAND" and substitute "ONE
36 MILLION".

37
38 Page 2, line 8, strike "three hundred thousand dollars (\$300,000)." and
39 substitute "one million dollars (\$1,000,000).";

40
41 line 13, strike "three hundred thousand dollars (\$300,000)," and substitute
42 "one million dollars (\$1,000,000).".

43
44 As amended, ordered engrossed and placed on the Calendar for Third
45 Reading and Final Passage.

46
47
48
49 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

50
51 Passed Second Reading: **HB01S-1006 amended.**

52
53 The Chairman moved the adoption of the Committee of the Whole
54 Report. As shown by the following roll call vote, a majority of those
55 elected to the House voted in the affirmative, and the Report was
56 **adopted.**

	YES 52	NO 4	EXCUSED 9	ABSENT 0
3 Alexander	Y	Groff	Y Miller	Y Spence E
4 Bacon	Y	Grossman	Y Mitchell	Y Spradley E
5 Berry	Y	Hefley	E Nuñez	Y Stafford Y
6 Borodkin	Y	Hodge	Y Paschall	E Stengel Y
7 Boyd	Y	Hoppe	Y Plant	Y Swenson Y
8 Cadman	Y	Jahn	E Ragsdale	E Tapia Y
9 Chavez	Y	Jameson	N Rhodes	Y Tochtrop Y
10 Clapp	Y	Johnson	Y Rippy	Y Veiga N
11 Cloer	Y	Kester	Y Romanoff	Y Vigil N
12 Coleman	Y	King	Y Saliman	N Webster Y
13 Crane	Y	Larson	Y Sanchez	Y Weddig Y
14 Daniel	Y	Lawrence	Y Schultheis	E White Y
15 Decker	Y	Lee	Y Scott	Y Williams S. E
16 Fairbank	Y	Mace	Y Sinclair	Y Williams T. Y
17 Fritz	Y	Madden	Y Smith	Y Witwer Y
18 Garcia	Y	Marshall	E Snook	Y Young Y
19				Mr. Speaker Y

House in recess. House reconvened.

REPORTS OF COMMITTEE OF REFERENCE

LOCAL GOVERNMENT

After consideration on the merits, the Committee recommends the following:

HB01S-1011 be postponed indefinitely.

HB01S-1017 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. 29-20-105 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

29-20-105. Intergovernmental cooperation. (2) (j) To ELIMINATE CONFLICTS OR INCONSISTENCIES BETWEEN OR AMONG JURISDICTIONS AND TO PROMOTE COORDINATION BETWEEN AND AMONG SUCH JURISDICTIONS, LOCAL GOVERNMENTS SHALL ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO ADDRESS ANY ISSUES RAISED BY OVERLAPPING URBAN SERVICES AREA BOUNDARIES WHERE SUCH OVERLAP OCCURS. SUCH AGREEMENTS MAY INCLUDE PROVISIONS FOR LIMITING MUNICIPAL ANNEXATIONS OUTSIDE ANY AGREED UPON URBAN SERVICES AREA BOUNDARIES.

SECTION 2. 29-20-105, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

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29-20-105. Intergovernmental cooperation. (3) IN THE EVENT THAT ONE OR MORE LOCAL GOVERNMENTS THAT ARE PARTIES TO A DISPUTE CONCERNING THE DEVELOPMENT OF LAND ARE NOT ABLE TO REACH AGREEMENT TO RESOLVE SUCH DISPUTE PURSUANT TO THIS SECTION, SUCH GOVERNMENTS SHALL RESOLVE SUCH DISPUTE IN ACCORDANCE WITH THE PROCESS AND PROCEDURES PROVIDED BY LAW FOR THE RESOLUTION OF DISPUTES BETWEEN OR AMONG LOCAL GOVERNMENTS RELATING TO THE DEVELOPMENT OF LAND."

Renumber succeeding sections accordingly.

Page 6, strike lines 18 through 21 and substitute the following:

"(e) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF DEVELOPMENT. SUCH ELEMENTS SHALL CONSIDER POTENTIAL IMPACTS ON AIR AND WATER QUALITY, CRITICAL AND SENSITIVE AREAS, WILDLIFE HABITATS, INCLUDING MIGRATION CORRIDORS, ENDANGERED, THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERNS, AND WETLANDS AND RIPARIAN AREAS. THE ENVIRONMENTAL QUALITY ELEMENT SHALL ALSO ADDRESS THE LEVEL OF NEED FOR, AND PROTECTION OF, OPEN SPACE FOR THE USE AND ENJOYMENT OF RESIDENTS OF THE COUNTY."

Page 7, line 14, after "TIME", insert "WHEN NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY";

line 17, after the period, add "NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO PREEMPT A COUNTY ORDINANCE THAT RESTRICTS THE FREQUENCY OF AMENDING A MASTER PLAN."

Page 8, strike line 3 and substitute the following:

"COUNTIES: ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, CHAFFEE, DELTA, DENVER, DOUGLAS, EAGLE, ELBERT, EL PASO, FREMONT, GARFIELD, GUNNISON, JEFFERSON, LA PLATA, LARIMER, MESA, MONTROSE, PARK, PUEBLO, ROUTT, SUMMIT, TELLER, AND WELD. FOR PURPOSES OF THIS SECTION, "COUNTY" INCLUDES A CITY AND COUNTY. IN THE CASE OF BROOMFIELD, SUCH ENTITY SHALL BECOME SUBJECT TO SUBSECTION (1) OF THIS SECTION AT THE TIME IT BECOMES A CITY AND COUNTY AS PROVIDED BY LAW."

Page 11, strike lines 17 through 20 and substitute the following:

"(V) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF DEVELOPMENT. SUCH ELEMENTS SHALL CONSIDER POTENTIAL IMPACTS ON AIR AND WATER QUALITY, CRITICAL AND SENSITIVE AREAS, WILDLIFE

1 HABITATS, INCLUDING MIGRATION CORRIDORS, ENDANGERED,
 2 THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERNS, AND
 3 WETLANDS AND RIPARIAN AREAS. THE ENVIRONMENTAL QUALITY
 4 ELEMENT SHALL ALSO ADDRESS THE LEVEL OF NEED FOR, AND PROTECTION
 5 OF, OPEN SPACE FOR THE USE AND ENJOYMENT OF RESIDENTS OF THE
 6 MUNICIPALITY."

7
 8 Page 15, line 1, after "PLAN", insert "WHEN NECESSARY FOR THE
 9 PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY";

10
 11 line 4, after the period, add "NOTHING IN THIS SUBSECTION (4) SHALL BE
 12 CONSTRUED TO PREEMPT A MUNICIPAL ORDINANCE THAT RESTRICTS THE
 13 FREQUENCY OF AMENDING A MASTER PLAN."

14
 15
 16 On motion of Representative King, **HB01-1017** was made Special Orders
 17 on Wednesday, May 16, 2001, at 5:19 p.m.

18
 19
 20 The hour of 5:19 p.m., having arrived, on motion of Representative
 21 Hoppe, the House resolved itself into Committee of the Whole for
 22 consideration of Special Orders and she was called to the Chair to act as
 23 Chairman.

24
 25
 26 **SPECIAL ORDERS--SECOND READING OF BILL**

27
 28 The Committee of the Whole having risen, the Chairman reported the title
 29 of the following bill had been read (reading at length had been dispensed
 30 with by unanimous consent), the bill considered and action taken thereon
 31 as follows:

32
 33 (Amendments to the committee amendment are to the printed committee
 34 report which was printed and placed in the members' bill file.)

35
 36 **HB01S-1017** by Representative(s) Scott; also Senator Hillman--
 37 Concerning the procedures for adopting five required
 38 elements for mandatory master planning by certain local
 39 governments.

40
 41 Amendment No. 1, Local Government Report, dated May 16, 2001, and
 42 placed in member's bill file; Report also printed in House Journal, May
 43 16, pages 32-34.

44
 45 Amendment No. 2, by Representatives Rippy, Fritz.

46
 47 Amend the Local Government Committee Report, dated May 16, 2001,
 48 page 2, strike lines 8 through 20 and substitute the following:

49
 50 "(e) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH
 51 THE LOCAL GOVERNMENT SHALL ADDRESS COMPLIANCE WITH BOTH
 52 APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY
 53 DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS
 54 DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE
 55 ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE
 56 JURISDICTIONAL AUTHORITY OF LOCAL GOVERNMENTS. THE LOCAL

1 GOVERNMENT SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION
2 CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY
3 OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE LOCAL
4 GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE
5 COMPREHENSIVE PLAN OF THE LOCAL GOVERNMENT; EXCEPT THAT
6 NOTHING IN THIS PARAGRAPH (e) SHALL ENLARGE OR DIMINISH THE
7 EXISTING AUTHORITY OF A COUNTY RELATING TO ENVIRONMENTAL
8 PROTECTION. FOR PURPOSES OF THIS PARAGRAPH (e), "CRITICAL AND
9 SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE,
10 INCLUDING, WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC
11 ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE
12 PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER
13 NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES
14 REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF,
15 INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE
16 COUNTY OR ANY REGIONAL PLANNING COMMISSION WHERE APPLICABLE."

17
18 Page 3 of the committee report, strike lines 5 through 17 and substitute
19 the following:

20
21 "(V) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH
22 THE LOCAL GOVERNMENT SHALL ADDRESS COMPLIANCE WITH BOTH
23 APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY
24 DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS
25 DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE
26 ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE
27 JURISDICTIONAL AUTHORITY OF LOCAL GOVERNMENTS. THE LOCAL
28 GOVERNMENT SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION
29 CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY
30 OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE LOCAL
31 GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE
32 COMPREHENSIVE PLAN OF THE LOCAL GOVERNMENT; EXCEPT THAT
33 NOTHING IN THIS SUBPARAGRAPH (V) SHALL ENLARGE OR DIMINISH THE
34 EXISTING AUTHORITY OF A MUNICIPALITY RELATING TO ENVIRONMENTAL
35 PROTECTION. FOR PURPOSES OF THIS SUBPARAGRAPH (V), "CRITICAL AND
36 SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE,
37 INCLUDING, WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC
38 ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE
39 PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER
40 NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES
41 REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF,
42 INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE
43 COUNTY OR ANY REGIONAL PLANNING COMMISSION WHERE APPLICABLE."

44
45 Amendment No. 3, by Representative Rippy.

46
47 Amend printed bill, page 4, line 25, after "(a)", insert "(I)".

48
49 Page 5, after line 2, insert the following:

50
51 "(II) THE LAND USE ELEMENT SHALL SHOW HOW THE COUNTY
52 INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND
53 SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY SUBSECTION (1) OF
54 THIS SECTION, AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL
55 AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO
56 CREATED IN SECTION 34-60-104 (1), C.R.S."

1 Page 9, line 26, after "(I)", insert "(A)".

2

3 Page 10, after line 4, insert the following:

4

5 "(B) THE LAND USE ELEMENT SHALL SHOW HOW THE MUNICIPALITY
6 INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND
7 SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY SUBSECTION (1) OF
8 THIS SECTION, AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL
9 AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO
10 CREATED IN SECTION 34-60-104 (1), C.R.S."

11

12 As amended, ordered engrossed and placed on the Calendar for Third
13 Reading and Final Passage.

14

15

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

17

18 Passed Second Reading: **HB01-1017 amended.**

19

20 The Chairman moved the adoption of the Committee of the Whole
21 Report. As shown by the following roll call vote, a majority of those
22 elected to the House voted in the affirmative, and the Report was
23 **adopted.**

24

25	YES 55	NO 0	EXCUSED 10	ABSENT 0				
27	Alexander	Y	Groff	Y	Miller	Y	Spence	E
28	Bacon	Y	Grossman	E	Mitchell	Y	Spradley	E
29	Berry	Y	Hefley	E	Nuñez	Y	Stafford	Y
30	Borodkin	Y	Hodge	Y	Paschall	E	Stengel	Y
31	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
32	Cadman	Y	Jahn	E	Ragsdale	E	Tapia	Y
33	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
34	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
35	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
36	Coleman	Y	King	Y	Saliman	Y	Webster	Y
37	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
38	Daniel	Y	Lawrence	Y	Schultheis	E	White	Y
39	Decker	Y	Lee	Y	Scott	Y	Williams S.	E
40	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
41	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
42	Garcia	Y	Marshall	E	Snook	Y	Young	Y
43							Mr. Speaker	Y

44

45

46

47 On motion of Representative King, the House adjourned until 9:00 a.m.,
48 May 17, 2001.

49

50

Approved:

51

52

53

Attest:

DOUG DEAN,
Speaker

54

55

JUDITH RODRIGUE,

56

Chief Clerk