

HB1007_L.014

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on State, Veterans & Military Affairs.

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

HB08-1007 be amended as follows:

- 1 Amend reengrossed bill, page 2, line 4, strike "company -";
- 2 line 5, strike "description or corridor." and substitute "company.";
- 3 line 6, strike "law, and" and substitute "law. and".
- 4 Page 3, line 1, strike "ON" and substitute "ON";
- 5 strike lines 4 through 10 and substitute the following:
 - 6 "CORRIDOR IN ITS FILED FORMATION DOCUMENT, AND ANY CORRIDOR
 - 7 INCLUDED IN A FILED FORMATION DOCUMENT FILED BEFORE THE
 - 8 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, IS VOID AND
 - 9 SHALL NOT BE DEEMED TO GIVE THE FILING TOLL ROAD OR TOLL HIGHWAY
 - 10 COMPANY ANY PROPERTY RIGHT OF ANY KIND WHATSOEVER WITHIN THE
 - 11 CORRIDOR. If a toll road or toll highway".
- 12 Page 4, strike lines 1 through 17.
- 13 Renumber succeeding sections accordingly.
- 14 Page 4, strike lines 18 through 27.
- 15 Page 5, strike lines 1 through 14 and substitute the following:
 - 16 "SECTION 2. Repeal. 7-45-103, Colorado Revised Statutes, is



1 repealed as follows:

2 **7-45-103. Deadline to commence work - maintenance of effort**
3 **requirement.** ~~A toll road or toll highway company shall commence~~
4 ~~work, including but not limited to planning, design, environmental~~
5 ~~mitigation, and other preconstruction work, on the toll road or toll~~
6 ~~highway proposed in the filed formation document no later than three~~
7 ~~years after the filing of the document, or within one year after receiving~~
8 ~~all necessary approvals for construction. If any necessary approval is the~~
9 ~~subject of administrative or judicial review, then the one-year period shall~~
10 ~~be automatically extended until one year after all administrative or~~
11 ~~judicial review has been concluded. The toll road or toll highway~~
12 ~~company and any successor toll road or toll highway company shall~~
13 ~~continue the work from day to day until at least five hundred thousand~~
14 ~~dollars have been expended on the toll road or toll highway. If the toll~~
15 ~~road or toll highway company fails to perform the required work, it shall~~
16 ~~forfeit all rights acquired under its filed formation document and be~~
17 ~~administratively dissolved. If the toll road or toll highway company~~
18 ~~performs the required work, it shall have the exclusive right to develop~~
19 ~~or seek approval to develop a toll road or toll highway within the~~
20 ~~three-mile corridor specified in its filed formation document as required~~
21 ~~by section 7-45-101 (1).";~~

22 strike lines 17 through 27 and substitute the following:

23 **"7-45-104. Acquisition of right-of-way.** (1) Notwithstanding
24 ~~the provisions of section 38-2-101, C.R.S., on and after June 6, 2006, A~~
25 ~~toll road or toll highway company shall not have the power to exercise the~~
26 ~~right of eminent domain to acquire any part of the right-of-way of the~~
27 ~~three-mile corridor of a proposed toll road or toll highway specified in the~~
28 ~~filed formation document of the company as required by section 7-45-101~~
29 ~~(1) OF A TOLL ROAD OR TOLL HIGHWAY IT PROPOSES TO CONSTRUCT.~~
30 ~~Nothing herein shall prohibit a toll road or toll highway".~~

31 Page 7, line 1, strike "PREEXISTING OR NEW";

32 strike lines 6 through 11 and substitute the following:

33 "whole or in part within the ~~three-mile corridor designated by the~~
34 ~~PROPOSED ROUTE OF THE toll road or toll highway company as required~~
35 ~~by section 7-45-101 (1) and has been included in".~~

- 1 Page 8, line 3, strike "three-mile corridor" and substitute "~~three-mile~~
2 ~~corridor~~ PROPOSED ROUTE";
- 3 strike lines 4 through 10 and substitute the following:
- 4 "or toll road or toll highway project, ~~as specified pursuant to section~~
5 ~~7-45-101 (1)~~ a toll road or toll highway company shall consult";
- 6 strike lines 19 through 27 and substitute the following:
- 7 **"recorded documents.** (1) (a) (I) ANY PROPERLY AUTHORIZED WRITTEN
8 NOTICE, DISCLAIMER".
- 9 Page 9, strike lines 1 through 10;
- 10 line 10, strike "(b)" and substitute "(1) (a)";
- 11 line 11, strike "PREEXISTING";
- 12 line 14, strike "(b)" and substitute "(a)";
- 13 line 16, strike "(b)" and substitute "(a)";
- 14 line 18, strike "PROPERTY" and substitute "PROPERTY, GRANT ANY
15 PROPERTY RIGHT WHATSOEVER TO THE TOLL ROAD OR TOLL HIGHWAY
16 COMPANY THAT FILED OR RECORDED IT,";
- 17 line 22, strike "(b)." and substitute "(a).";
- 18 line 27, strike "PREEXISTING".
- 19 Page 10, line 4, strike "(b).;" and substitute "(a).";
- 20 line 12, strike "PREEXISTING OR NEW".
- 21 Page 11, line 1, strike "PREEXISTING";
- 22 strike lines 4 through 13 and substitute the following:
- 23 "section 7-45-104, ~~within the three-mile corridor specified in its filed~~
24 ~~formation document~~ WITHIN THE PROPOSED ROUTE OF THE TOLL ROAD OR



- 1 TOLL HIGHWAY PROPOSED BY THE TOLL ROAD OR TOLL HIGHWAY
- 2 COMPANY and that is not";
- 3 line 18, strike "corridor OR" and substitute "corridor".
- 4 Page 12, line 1, strike "(1) and";
- 5 line 2, strike "are" and substitute "is";
- 6 strike lines 4 though 11 and substitute the following:
- 7 **"highway company. (2) If a toll road or toll highway company sells or**
- 8 **transfers any interest in its real property within the ~~three-mile corridor~~**
- 9 **specified in its filed formation document";**
- 10 line 13, strike "NEW".

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