

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 19, 2008

Date

Committee on Transportation & Energy.

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

HB08-1278 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 10, after "TRANSPORT.", insert "'PUBLIC
2 TRANSIT PURPOSES" SHALL ALSO INCLUDE REASONABLE PARKING-ONLY
3 FACILITIES NECESSARY TO SUPPORT THE OPERATIONS OF TRANSIT
4 STATIONS, MAINTENANCE FACILITIES, SUBSTATIONS, AND SUCH
5 ADDITIONAL REASONABLE AND NECESSARY FACILITIES AND UTILITIES
6 NECESSARY TO OPERATE AND MAINTAIN THE SYSTEM OF PUBLIC
7 TRANSPORT.";

8 strike lines 12 through 16 and substitute the following:

9 "ANY FORM OF COMMERCIAL OR RESIDENTIAL DEVELOPMENT OR
10 IMPROVEMENTS OR ANY MIXTURE OF SUCH DEVELOPMENT OR
11 IMPROVEMENTS LOCATED AT, IN, OR CONNECTED TO THE STATIONS OR
12 FACILITIES."

13 Page 3, strike lines 23 and 24 and substitute the following:

14 "PURPOSES. THE DISTRICT MAY NOT SELL, ASSIGN, OR OTHERWISE
15 TRANSFER ANY LEGAL INTEREST IN PROPERTY OR RIGHTS-OF-WAY
16 ACQUIRED THROUGH THE";

17 line 26, strike "ENTITY." and substitute "ENTITY UNTIL COMPLETION OF
18 THE TRANSIT PROJECT FOR WHICH THE PROPERTY WAS ACQUIRED.
19 NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO APPLY TO

1 CONDEMNATIONS UNDERTAKEN WITH THE CONSENT OF THE OWNER OF THE
2 PROPERTY.".

3 Page 4, after line 8, insert the following:

4 "SECTION 4. 38-1-101, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **38-1-101. Compensation - public use - commission - jury -**
7 **court - prohibition on elimination of nonconforming uses or**
8 **nonconforming property design by amortization - limitation on**
9 **extraterritorial condemnation by municipalities - nonbinding**
10 **mediation - definitions. (4.5) NOTWITHSTANDING ANY OTHER**
11 **PROVISION OF LAW, BEFORE AN EMINENT DOMAIN ACTION MAY BE**
12 **COMMENCED BY THE STATE OR ANY POLITICAL SUBDIVISION, THE STATE OR**
13 **THE POLITICAL SUBDIVISION, AS APPLICABLE, AND THE OWNER OF THE**
14 **SUBJECT PROPERTY SHALL PARTICIPATE IN NONBINDING MEDIATION, THE**
15 **MANNER AND FORM OF WHICH SHALL BE AS AGREED UPON BY THE PARTIES**
16 **TO THE MEDIATION."**

17 Renumber succeeding sections accordingly.

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