

SENATE JOURNAL
Sixty-second General Assembly
STATE OF COLORADO
Second Regular Session

71st Legislative DayWednesday, March 15, 2000

- Call to Order
- By the President at 9:00 a.m.
- Prayer
- By the chaplain, Dr. Gilbert Caldwell, Park Hill Methodist Church, Denver.
- Roll Call
- Present--Total, 29
Absent/Excused--Arnold, Hillman, Lacy, Perlmutter, Tanner, Thiebaut--Total, 6.
Present later---Arnold, Hillman, Lacy, Perlmutter, Tanner, Thiebaut.
- Quorum
- The President announced a quorum present.
- Reading of Journal
- On motion of Senator Teck, reading of the Journal of Tuesday, March 14th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

- Senate Services
- Correctly printed: SB 00-205.

On motion of Senator Blickensderfer, 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 SB00-095.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL

SB 00-095 by Sen. Wattenberg; Rep. George--Access To Eye Care Coverage

Senator Wattenberg moved that the Senate concur in House amendments to SB No. 00-095, as printed in House Journal, March 10, page 882. The motion was adopted by the following roll call vote:

| YES34 | | NO0 | | EXCUSED1 | | ABSENT0 | |
|----------------|---|-----------|---|------------|---|---------------|---|
| Anderson | Y | Evans | Y | Musgrave | Y | Tanner | Y |
| Andrews | Y | Feeley | Y | Nichol | Y | Tebedo | Y |
| Arnold | Y | Hernandez | Y | Owen | Y | Teck | Y |
| Blickensderfer | Y | Hillman | Y | Pascoe | Y | Thiebaut | Y |
| Chlouber | Y | Lacy | E | Perlmutter | Y | Wattenberg | Y |
| Congrove | Y | Lamborn | Y | Phillips | Y | Weddig | Y |
| Dennis | Y | Linkhart | Y | Reeves | Y | Wham | Y |
| Dyer | Y | Martinez | Y | Rupert | Y | Mr. President | Y |
| Epps | Y | Matsunaka | Y | Sullivan | Y | | |

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

| YES23 | | NO11 | | EXCUSED1 | | ABSENT0 | |
|----------------|---|-----------|---|------------|---|---------------|---|
| Anderson | Y | Evans | Y | Musgrave | Y | Tanner | Y |
| Andrews | N | Feeley | Y | Nichol | N | Tebedo | N |
| Arnold | N | Hernandez | Y | Owen | N | Teck | Y |
| Blickensderfer | N | Hillman | N | Pascoe | Y | Thiebaut | Y |
| Chlouber | Y | Lacy | E | Perlmutter | Y | Wattenberg | Y |
| Congrove | N | Lamborn | N | Phillips | Y | Weddig | Y |
| Dennis | Y | Linkhart | Y | Reeves | Y | Wham | N |
| Dyer | Y | Martinez | Y | Rupert | Y | Mr. President | Y |
| Epps | Y | Matsunaka | Y | Sullivan | N | | |

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared REPASSED.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 15(c) was suspended for Consideration of Special Orders.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB00-1097, HB00-1391 and HB00-1301 were made Special Orders at 9:12 a.m.

Committee of the Whole The hour of 9:12 a.m. having arrived, Senator Evans moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Evans was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS--9:12 A.M.

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:

HB 00-1097 by Rep. Spradley; Senator Tebedo--Timing Of Voter Registration Challenges Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1391 by Rep. Gotlieb; Sen. Teck--Student Election Judges Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment (Printed in Senate Journal, March 10, page 580.)

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

HB 00-1301 by Rep. Vigil; Senator Dennis--Protection Of Racing Purse Trusts Ordered revised and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Evans, 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:

HB00-1097, HB00-1301, declared passed on Second Reading. HB00-1391 as amended, declared passed on Second Reading.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 15, was laid over until Thursday, March 16, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly revised: HB 00-1097, 1301, 1391.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB 00-193

Finance

After consideration on the merits, the committee recommends that HB 00-1049 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

"SECTION 1. 39-22-123 (1), Colorado Revised Statutes, is amended, and the said 39-22-123 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-22-123. Earned income tax credit - refund of state excess revenues for fiscal years commencing on or after July 1, 1998. (1) Subject to the provisions of subsection (4) of this section, for income tax years commencing on or after January 1, 1999, if, based on the financial report prepared by the controller in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and the voters statewide either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, a resident individual or part-year resident individual who claims an earned income tax credit on the individual's federal tax return shall be allowed an earned income tax credit against the taxes due on the individual's income under this article. The amount of the credit shall be an amount equal to ~~eight and one-half~~ TEN percent of the amount of the federal credit claimed on the resident individual's federal tax return or, in the case of a part-year resident individual, such amount as shall reflect ~~eight and one-half~~ TEN percent of the federal earned income credit earned while a resident of Colorado.

(3.5) ANY EARNED INCOME TAX CREDIT ALLOWED TO ANY PERSON PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE CONSIDERED AS INCOME OR RESOURCES FOR THE PURPOSE OF DETERMINING ELIGIBILITY OR FOR THE PAYMENT OF PUBLIC ASSISTANCE BENEFITS AND MEDICAL ASSISTANCE BENEFITS AUTHORIZED UNDER STATE LAW OR FOR PAYMENTS MADE UNDER ANY OTHER PUBLICLY FUNDED PROGRAMS.

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

Page 1, strike lines 102 through 104 and substitute the following:

"SPECIFIED INCOME TAX YEARS, AND, IN CONNECTION THEREWITH, MODIFYING THE AMOUNT OF THE CREDIT."

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| Finance | After consideration on the merits, the committee recommends that <u>HB 00-1259</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation: | 1 2 3 4 |
| | Amend reengrossed bill, page 4, after line 13, insert the following: | 5 6 |
| | "SECTION 4. 39-26-123 (2) (a) (I) (A), Colorado Revised Statutes, is amended, and the said (2) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read: | 7 8 9 10 |
| | 39-26-123. Receipts - disposition. (2) (a) (I) (A) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age pension fund. For the fiscal year commencing July 1, 1997, and for each fiscal year thereafter, the remaining fifteen percent shall be allocated between and credited to the general fund and the highway users tax fund, as a portion of the sales and use taxes attributable to sales or use of vehicles and related items, as follows: EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (A.5) OF THIS SUBPARAGRAPH (I), ten percent of net revenue from sales and use tax to the highway users tax fund and five percent thereof to the general fund. | 11 12 13 14 15 16 17 18 19 20 21 |
| | (A.5) ON AND AFTER THE FOLLOWING DATES, THE REMAINING FIFTEEN PERCENT SHALL BE ALLOCATED BETWEEN AND CREDITED TO THE GENERAL FUND AND THE HIGHWAY USERS TAX FUND, AS PORTIONS OF THE SALES AND USE TAX ATTRIBUTABLE TO THE SALE OR USE OF VEHICLES AND RELATED ITEMS AS FOLLOWS: ON AND AFTER JANUARY 1, 2001, UP TO AND INCLUDING JUNE 30, 2001, AND FOR FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2001, TEN AND FIFTY-THREE ONE-HUNDREDTHS PERCENT OF NET REVENUE FROM SALES AND USE TAX TO THE HIGHWAY USERS TAX FUND AND FOUR AND FORTY-SEVEN ONE-HUNDREDTHS PERCENT THEREOF TO THE GENERAL FUND." | 22 23 24 25 26 27 28 29 30 31 32 |
| | Renumber succeeding sections accordingly. | 33 34 35 |
| Judiciary | After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>HB 00-1260</u> | 36 37 38 39 |
| Health, Environment, Welfare and Institutions | The Committee on Health, Environment, Welfare and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: <u>BOARD OF DIRECTORS OF THE COLORADO UNINSURABLE HEALTH INSURANCE PLAN</u> for a term expiring July 1, 2002: John P. Hopkins of Grand Junction, Colorado, to serve as a representative of an HMO, and as an Unaffiliated, appointed; for terms expiring July 1, 2003: Oneita F. Potter of Grand Junction, Colorado, to serve as a representative of uninsurable, and as a Democrat, appointed; Lisa H. Schneck of Denver, Colorado, to serve as a representative of the uninsurable and as a Democrat, appointed. | 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 |
| Health, Environment, Welfare and Institutions | After consideration on the merits, the committee recommends that <u>HB00-1300</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation: Amend reengrossed bill, page 2, line 7, strike "trainee." and substitute "trainee OR ASSOCIATE."; | 65 66 67 68 69 70 71 72 |

after line 7, insert the following:

"**SECTION 2.** Part 1 of article 5.5 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-107. Cease and desist orders. (1) IF, AS THE RESULT OF AN INVESTIGATION OF A WRITTEN COMPLAINT BY ANY PERSON OR ON THE DIRECTOR'S OWN MOTION, THE DIRECTOR DETERMINES THAT ANY PERSON WHO IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR IS OTHERWISE IN VIOLATION OF THIS ARTICLE, OR IS ACTING IN A MANNER THAT IS A THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS CEASE IMMEDIATELY.

(2) WITHIN THIRTY DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST, THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARINGS SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S.

(3) IN THE EVENT THAT ANY PERSON FAILS TO COMPLY WITH A CEASE AND DESIST ORDER, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, A SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE ORDER.

(4) MATTERS BROUGHT BEFORE A COURT PURSUANT TO THIS SECTION SHALL HAVE PREFERENCE OVER OTHER MATTERS ON THE COURT'S CALENDAR."

Renumber succeeding sections accordingly.

Page 3, line 2, strike "(NCB-HIS)" and substitute "(NBC-HIS)".

Local
Government

After consideration on the merits, the committee recommends that HB 00-1223 be amended as follows and, as so amended, be referred to the Committee on Agriculture, Natural Resources, and Energy with favorable recommendation:

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

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Regional land use planning would be improved with better communication, coordination, and cooperation among and between existing governmental entities, particularly local governmental bodies that have traditionally and properly exercised their authority to plan for and regulate land use;

(b) Better planning and more orderly development is required in fringe areas of existing municipalities where there is a critical need for cooperation between and among counties and municipalities; and

(c) Land use planning in fringe areas of municipalities should take into account the location of the existing utilities, the long range utility plans of the existing utilities, and the plans of the municipalities to provide utility services.

(2) In addressing these concerns, the general assembly intends to more fully accomplish the purposes underlying existing statutes governing planning and land use regulations by Colorado local governments, including the "Municipal Annexation Act of 1965", part 1 of article 12 of title 31, C.R.S., the "Local Government Land Use Control Enabling Act of 1974", part 1 of article 20 of title 29, C.R.S., and the

specific land use powers conferred upon counties and municipalities by titles 30 and 31, C.R.S., respectively, within the constraints of the existing tax structure of the state of Colorado.

SECTION 2. 29-20-104, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

29-20-104. Powers of local governments. (2) PRIOR TO THE CONSIDERATION OF ANY PRELIMINARY APPLICATION FOR SUBDIVISION OR URBAN DEVELOPMENT OF ANY LAND WITHIN THREE MILES OF ANY MUNICIPALITY AND INCLUDED WITHIN ANY MUNICIPALITY’S PLAN AS REQUIRED BY SECTION 31-12-105 (1)(e)(I), C.R.S., AND IF THE LAND THAT IS THE SUBJECT OF THE APPLICATION IS ELIGIBLE ON THE DATE OF THE APPLICATION FOR ANNEXATION PURSUANT TO SECTION 31-12-104, C.R.S., A COUNTY MAY REQUIRE THE LANDOWNER FIRST TO SEEK ANNEXATION BY THAT MUNICIPALITY BEFORE SUCH APPLICATION MAY BE CONSIDERED BY SUCH COUNTY. A COUNTY SHALL MAKE THE INITIAL DETERMINATION OF ELIGIBILITY FOR ANNEXATION AND REFER THE LANDOWNER TO THE MUNICIPALITY AS REQUIRED BY THIS SECTION WITHIN THIRTY DAYS AFTER ITS RECEIPT OF THE PRELIMINARY APPLICATION. WHERE A COUNTY HAS REQUIRED THE LANDOWNER TO SEEK ANNEXATION BY A MUNICIPALITY PURSUANT TO THE TERMS OF THIS SUBSECTION (2) AND THE MUNICIPALITY EITHER NOTIFIES THE LANDOWNER THAT IT IS UNWILLING OR UNABLE TO ENTERTAIN A PETITION FOR ANNEXATION OF SUCH PROPERTY WITHIN SIXTY DAYS AFTER THE DATE OF THE MUNICIPALITY’S RECEIPT OF SUCH APPLICATION ACCORDING TO THE PROCEDURES SET FORTH IN ARTICLE 12 OF TITLE 31, C.R.S., OR IMPOSES CONDITIONS FOR APPROVAL OF THE ANNEXATION PETITION THAT ARE UNACCEPTABLE TO THE LANDOWNER, THEN THE COUNTY SHALL CONSIDER THE LANDOWNER’S APPLICATION FOR SUBDIVISION OR URBAN DEVELOPMENT IN ACCORDANCE WITH ITS ADOPTED MASTER OR COMPREHENSIVE PLAN, STANDARDS, AND PROCEDURES, INCLUDING APPLICABLE ZONING AND SUBDIVISION REGULATIONS. FOR PURPOSES OF THIS SUBSECTION (2), "URBAN DEVELOPMENT" SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN SECTION 31-12-103 (13), C.R.S.

(3) WHERE A COUNTY REQUESTS A LANDOWNER WHO HAS SUBMITTED AN APPLICATION FOR SUBDIVISION OR URBAN DEVELOPMENT TO SEEK ANNEXATION BY A MUNICIPALITY AND THE MUNICIPALITY GIVES NOTICE OF ITS INTENT TO ANNEX SUCH LAND, IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, THEN THE PROCESS FOR OBTAINING APPROVAL OF SUCH APPLICATION SHALL BE GOVERNED BY THE MUNICIPALITY’S ADOPTED MASTER OR COMPREHENSIVE PLAN, STANDARDS, AND PROCEDURES, AND ANY APPROVAL GRANTED BY THE MUNICIPALITY SHALL BE BINDING ON THE COUNTY.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY AUTHORITY TO A MUNICIPALITY TO IMPOSE EITHER A MORATORIUM ON DEVELOPMENT APPROVAL OR A GROWTH LIMITATION OUTSIDE ITS INCORPORATED BOUNDARIES.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY COUNTY ANY AUTHORITY TO REQUIRE LANDOWNERS TO SEEK ANNEXATION OF ANY LAND PRIOR TO THE DEVELOPMENT OF SUCH LAND WHEN THE LAND IS WHOLLY LOCATED IN THE UNINCORPORATED AREA OF SUCH COUNTY OR IS MORE THAN THREE MILES FROM THE BOUNDARY OF A MUNICIPALITY.

SECTION 3. 29-20-105 (1), Colorado Revised Statutes, is amended, and the said 29-20-105 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

29-20-105. Intergovernmental cooperation. (1) Local governments are authorized and encouraged to cooperate or contract with other units of government pursuant to part 2 of article 1 of this title for the purposes of planning or regulating the development of land including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations. WITHOUT LIMITING THE ABILITY OF LOCAL GOVERNMENTS TO COOPERATE OR CONTRACT WITH EACH OTHER UNDER THIS OR ANY OTHER PROVISION OF LAW, COUNTIES MAY, PURSUANT TO AN AGREEMENT WITH A MUNICIPALITY, ADOPT BY REFERENCE THE

MUNICIPALITY'S UNIFORM DEVELOPMENT STANDARDS AND REQUIREMENTS AND ENFORCE SUCH STANDARDS AND REQUIREMENTS WHEN APPROVING THE DEVELOPMENT OR REDEVELOPMENT OF LAND IN ANY UNINCORPORATED AREA THAT IS WITHIN THREE MILES OF THE MUNICIPALITY OR SUCH OTHER DISTANCE AS MAY BE AGREED TO BY THE COUNTY AND THE MUNICIPALITY WHERE SUCH DEVELOPMENT OR REDEVELOPMENT IS LIKELY TO IMPACT THE MUNICIPALITY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY INTERGOVERNMENTAL AGREEMENT CONCERNING LAND USE PLANNING OR REGULATION TO WHICH A LOCAL GOVERNMENT IS A PARTY PURSUANT TO THE TERMS OF THIS SECTION MAY BE MADE MUTUALLY BINDING AND ENFORCEABLE FOR A PERIOD NOT TO EXCEED TWENTY YEARS. ANY INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (1) MAY BE RENEWED OR EXTENDED FOR SUCCESSIVE PERIODS. NOTHING IN THIS SECTION SHALL AFFECT THE ENFORCEABILITY OR VALIDITY OF INTERGOVERNMENTAL AGREEMENTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

(3) IN THE INTERESTS OF PROMOTING EFFICIENT AND EFFECTIVE METHODS OF RESOLVING DISPUTES AMONG POLITICAL SUBDIVISIONS INVOLVING PLANNING OR REGULATING THE DEVELOPMENT OF LAND, INCLUDING, WITHOUT LIMITATION, THE JOINT EXERCISE OF PLANNING, ZONING, SUBDIVISION, BUILDING, OR RELATED REGULATIONS, LOCAL GOVERNMENTS ARE AUTHORIZED AND ENCOURAGED TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS THAT PROVIDE, WITHOUT LIMITATION, A SPECIFIED MECHANISM FOR RESOLVING SUCH DISPUTES BETWEEN THE PARTIES TO SUCH AGREEMENT IN AN EFFICIENT AND EFFECTIVE MANNER. IN ORDER TO RESOLVE SUCH DISPUTES IN SUCH MANNER, LOCAL GOVERNMENTS ARE FURTHER AUTHORIZED AND ENCOURAGED TO USE THE LIST OF QUALIFIED PROFESSIONALS AVAILABLE TO ASSIST IN RESOLVING SUCH DISPUTES AS MAINTAINED BY THE OFFICE OF SMART GROWTH PURSUANT TO SECTION 24-32-3109, C.R.S., ENACTED BY HOUSE BILL 00-1427, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY COUNTY ANY AUTHORITY TO ADOPT BY REFERENCE THE DEVELOPMENT STANDARDS OF A PARTICULAR MUNICIPALITY WITH RESPECT TO TERRITORY WHOLLY LOCATED IN THE UNINCORPORATED AREA OF SUCH COUNTY THAT IS GREATER THAN THREE MILES FROM ANY INCORPORATED MUNICIPAL BOUNDARY.

SECTION 4. 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 CONTIGUOUS JURISDICTIONS AND TO PROMOTE COORDINATION BETWEEN AND AMONG SUCH JURISDICTIONS, LOCAL GOVERNMENTS WHOSE MASTER PLANS CONTAIN AN URBAN SERVICE AREA MAP PURSUANT TO SECTIONS 30-28-106 (3) (c.4) OR 31-23-206 (1.5), C.R.S., SHALL ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO ADDRESS THE ISSUES RAISED BY OVERLAPPING URBAN SERVICE AREA BOUNDARIES.

SECTION 5. 30-28-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-106. Adoption of master plan - contents. (1.3) (a) IN ORDER TO ENCOURAGE CITIZEN PARTICIPATION IN THE REGION'S MASTER PLANNING PROCESS OR COUNTY'S MASTER PLANNING PROCESS, THE PLANNING COMMISSION SHALL SOLICIT PUBLIC INPUT PRIOR TO THE ADOPTION OF A MASTER PLAN PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. AT THE COMMENCEMENT OF ANY PROCEEDINGS TO CREATE, REVISE, OR UPDATE THE MASTER PLAN OF A COUNTY OR REGION, THE COMMISSION SHALL SEND BY REGULAR MAIL TO EACH LANDOWNER, AT THE LANDOWNER'S LAST KNOWN MAILING ADDRESS, A NOTICE APPRIZING SUCH LANDOWNER OF THE COMMENCEMENT OF SUCH PROCEEDINGS. THE NOTICE SHALL ALSO INFORM THE LANDOWNER THAT SUCH LANDOWNER MAY REQUEST CONTINUING NOTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1.3). THE NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY THE COUNTY TO THE LANDOWNER, INCLUDING, WITHOUT LIMITATION,

MAILINGS RELATING TO PROPERTY TAX ASSESSMENT. IN CONFORMITY WITH THE GOAL OF ENHANCED PUBLIC PARTICIPATION, THE COMMISSION SHALL SCHEDULE NO LESS THAN TWO PUBLIC HEARINGS PRIOR TO THE ADOPTION OF SUCH MASTER PLAN. NOTICE OF THE HEARINGS SHALL ALSO BE PUBLICIZED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OR IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE HEARING, WHICH REQUIREMENT SHALL BE SATISFIED BY THE INITIAL MAILING REQUIRED BY THIS PARAGRAPH (a). THE COMMISSION SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS BY WHICH THE MASTER PLAN IS ADOPTED.

(b) ANY PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY A COUNTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.3) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK OF EACH SUCH COUNTY. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE COUNTY TO PROVIDE ADVANCE NOTICE SHALL NEITHER NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1.3) NOR CREATE A CAUSE OF ACTION OR LEGAL STANDING IN FAVOR OF ANY PERSON WHO FAILED TO RECEIVE THE NOTICE.

SECTION 6. 30-28-106 (3) (a), (3) (e), and (3) (f), Colorado Revised Statutes, are amended, and the said 30-28-106 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

30-28-106. Adoption of master plan - contents. (3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan and may include: The general location, character, and extent of streets or roads, viaducts, bridges, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places, and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; methods for assuring access to sunlight for solar energy devices; the general character, location, and extent of community centers, town sites, housing developments, whether public or private, and urban conservation or redevelopment areas; the general location and extent of forests, agricultural areas, flood control areas, and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, flood control, or the protection of urban development; and a land classification and utilization program. FOR INFORMATIONAL PURPOSES ONLY, THE MASTER PLAN SHALL NOTE THE SERVICE TERRITORIES OF UTILITIES CERTIFICATED BY THE PUBLIC UTILITIES COMMISSION WHERE SUCH TERRITORIES ARE WITHIN THREE MILES OF THE MUNICIPAL BOUNDARY.

(c.1) THE MASTER PLAN OF A COUNTY OR REGION MAY INCLUDE A WATER SUPPLY ELEMENT. WHEN SUCH PLANS INCLUDE A WATER SUPPLY ELEMENT, THE PLANNING COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS PARAGRAPH (c.3) SHALL BE CONSTRUED TO SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(c.2) THE MASTER PLAN OF A COUNTY MAY CONTAIN AN URBAN SERVICE AREA MAP THAT IDENTIFIES SUCH COUNTY'S URBAN SERVICE AREA. FOR PURPOSES OF THIS SECTION, AN URBAN SERVICE AREA IS AN AREA OF REAL PROPERTY THAT CAN ACCOMMODATE RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT PROJECTED TO OCCUR WITHIN SUCH AREA FOLLOWING THE ADOPTION OF THE MASTER PLAN.

(c.3) EACH MASTER OR REGIONAL PLAN ADOPTED PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL, TO THE GREATEST EXTENT POSSIBLE, BE COORDINATED WITH THOSE OF ANY ADJACENT COUNTY, REGION, OR OTHER POLITICAL SUBDIVISION, AS THE CASE MAY BE, TO ELIMINATE CONFLICTS OR INCONSISTENCIES AND TO ASSURE THE COMPATIBILITY OF SUCH REGULATIONS AMONG SUCH POLITICAL SUBDIVISIONS.

(c.4) FINANCIAL OR OTHER ASSISTANCE AS MAY BE REQUIRED BY COUNTIES IN SATISFYING THE REQUIREMENTS OF THIS SECTION SHALL BE MADE AVAILABLE THROUGH THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3103, C.R.S., AS ENACTED BY HOUSE BILL 00-1427, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

(e) In creating the master plan of a county or region, the county or regional planning commission may take into consideration the availability of affordable housing within the county or region. Counties are encouraged to examine any regulatory impediments to the development of affordable housing. THE MASTER PLAN OF A COUNTY OR REGION MAY ALSO DESCRIBE THE RATIO OF HOUSING UNITS AND PRIMARY JOBS AVAILABLE WITHIN THAT COUNTY OR REGION AND MAY RECOMMEND POLICIES TO ADJUST SUCH RATIO.

(f) The master plan of a county or region is advisory only UNLESS THE BOARD OF COMMISSIONERS DETERMINES TO MAKE COMPLIANCE WITH THAT MASTER PLAN OR COMPREHENSIVE PLAN MANDATORY BY ADOPTING ALL OR ANY PORTION OF THE MASTER PLAN OR COMPREHENSIVE PLAN BY RESOLUTION OR ORDINANCE, THEREBY GIVING SUCH MASTER PLAN OR COMPREHENSIVE PLAN THE FORCE AND EFFECT OF LAW.

SECTION 7. 30-28-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-115. Public welfare to be promoted - legislative declaration - construction. (1.3) REGULATIONS ADOPTED PURSUANT TO THIS ARTICLE SHALL BE DESIGNED, TO THE GREATEST EXTENT PRACTICABLE, TO ACCOMPLISH THE GOALS AND PURPOSES OF THE MASTER PLAN ADOPTED BY THE COUNTY IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 30-28-106.

SECTION 8. 31-23-206 (1) (b) and (3), Colorado Revised Statutes, are amended, and the said 31-23-206 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of said territory including, but not limited to:

(b) The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, AND, FOR INFORMATIONAL PURPOSES ONLY, SHALL NOTE THE SERVICE TERRITORIES OF UTILITIES CERTIFICATED BY THE PUBLIC UTILITIES COMMISSION WHERE SUCH TERRITORIES ARE WITHIN THREE MILES OF THE MUNICIPAL BOUNDARY.

(1.3) THE MASTER PLAN OF A MUNICIPALITY MAY INCLUDE A WATER SUPPLY ELEMENT. WHEN SUCH PLAN INCLUDES A WATER SUPPLY

ELEMENT, THE COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS SUBSECTION (1.3) SHALL BE CONSTRUED TO SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(1.5) THE MASTER PLAN OF A MUNICIPALITY MAY CONTAIN AN URBAN SERVICE AREA MAP THAT IDENTIFIES SUCH MUNICIPALITY’S URBAN SERVICE AREA. FOR PURPOSES OF THIS SECTION, AN URBAN SERVICE AREA IS AN AREA OF REAL PROPERTY THAT CAN ACCOMMODATE RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT PROJECTED TO OCCUR WITHIN SUCH AREA FOLLOWING THE ADOPTION OF THE MASTER PLAN.

(3) The master plan of a municipality is advisory only UNLESS THE GOVERNING BODY DETERMINES TO MAKE COMPLIANCE WITH THAT MUNICIPALITY’S MASTER PLAN MANDATORY BY ADOPTING ALL OR ANY PORTION OF THE MASTER PLAN BY RESOLUTION OR ORDINANCE, THEREBY GIVING SUCH MASTER PLAN THE FORCE AND EFFECT OF LAW.

(4) (a) IN ORDER TO ENCOURAGE CITIZEN PARTICIPATION IN THE MUNICIPALITY’S MASTER PLANNING PROCESS, THE COMMISSION SHALL SOLICIT PUBLIC INPUT PRIOR TO THE ADOPTION OF A MASTER PLAN PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. AT THE COMMENCEMENT OF ANY PROCEEDINGS TO CREATE, REVISE, OR UPDATE THE MASTER PLAN OF A MUNICIPALITY, THE COMMISSION SHALL SEND BY REGULAR MAIL TO EACH LANDOWNER, AT THE LANDOWNER’S LAST KNOWN MAILING ADDRESS, A NOTICE APPRIZING SUCH LANDOWNER OF THE COMMENCEMENT OF SUCH PROCEEDINGS. THE NOTICE SHALL ALSO INFORM THE LANDOWNER THAT SUCH LANDOWNER MAY REQUEST CONTINUING NOTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4). THE NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY THE MUNICIPALITY TO THE LANDOWNER, INCLUDING, WITHOUT LIMITATION, MAILINGS RELATING TO PROPERTY TAX ASSESSMENT. IN CONFORMITY WITH THE GOAL OF ENHANCED PUBLIC PARTICIPATION, THE COMMISSION SHALL SCHEDULE NO LESS THAN TWO PUBLIC HEARINGS PRIOR TO THE ADOPTION OF SUCH MASTER PLAN. NOTICE OF THE HEARINGS SHALL ALSO BE PUBLICIZED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OR IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE HEARING, WHICH REQUIREMENT SHALL BE SATISFIED BY THE INITIAL MAILING REQUIRED BY THIS PARAGRAPH (a). THE COMMISSION SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS BY WHICH THE MASTER PLAN IS ADOPTED.

(b) ANY PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY A MUNICIPALITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK OF EACH SUCH MUNICIPALITY. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE MUNICIPALITY TO PROVIDE ADVANCE NOTICE SHALL NEITHER NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4) NOR CREATE A CAUSE OF ACTION OR LEGAL STANDING IN FAVOR OF ANY PERSON WHO FAILED TO RECEIVE THE NOTICE.

(5) EACH MUNICIPAL MASTER PLAN ADOPTED PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL, TO THE GREATEST EXTENT POSSIBLE, BE COORDINATED WITH THOSE OF ANY ADJACENT COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION, AS THE CASE MAY BE, TO ELIMINATE CONFLICTS OR INCONSISTENCIES AND TO ASSURE THE

COMPATIBILITY OF SUCH REGULATIONS AMONG SUCH POLITICAL SUBDIVISIONS.

(6) FINANCIAL OR OTHER ASSISTANCE AS MAY BE REQUIRED BY MUNICIPALITIES IN SATISFYING THE REQUIREMENTS OF THIS SECTION SHALL BE MADE AVAILABLE THROUGH THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3103, C.R.S., AS ENACTED BY HOUSE BILL 00-1427, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

SECTION 9. 31-23-207, Colorado Revised Statutes, is amended to read:

31-23-207. Purposes in view. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which THAT will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, distribution of population, affordable housing, the promotion of good civic design and arrangement, efficient expenditure of public funds, the promotion of energy conservation, and the adequate provision of public utilities and other public requirements. THE PLAN MAY ALSO DESCRIBE THE RATIO OF HOUSING UNITS AND PRIMARY JOBS AVAILABLE WITHIN THE MUNICIPALITY AND MAY RECOMMEND POLICIES TO ADJUST SUCH RATIO.

SECTION 10. 30-28-110 (5) (a), Colorado Revised Statutes, is amended to read:

30-28-110. Regional planning commission approval, required when - recording. (5) (a) Notice AND A COPY of the filing of preliminary plans of any type required by this section to be submitted to a district, regional, or county planning commission or to the board of county commissioners APPLICATION FOR APPROVAL OF A PLAN OR PLAT OF ANY TYPE OR THE COMMENCEMENT OF ANY ZONING ACTION THAT IS REQUIRED TO BE APPROVED FOLLOWING A PUBLIC HEARING ACCORDING TO ANY STATE OR LOCAL LAW OR REGULATION, if the situs of these plans THE PLAN, PLAT, OR ZONING ACTION lies wholly or partially within two THREE miles of the corporate limits of a municipality but not within the corporate limits of another municipality, shall be referred to the town or city clerk of such municipality by the county planning commission or, if there be none, by the board of county commissioners. Within fourteen TWENTY-ONE days of AFTER the receipt of such plans, the municipality, by action of its city council or town board, or, if one exists, by action of its planning commission, may make its recommendations to the board of county commissioners, which shall forward the same to the district, regional, or county planning commission, if any. Failure of the town board, city council, or agents designated by them to make any recommendation within fourteen TWENTY-ONE days of AFTER the receipt of such plans shall constitute waiver of its right to make such recommendation.

SECTION 11. 31-12-104 (1) (b), Colorado Revised Statutes, is amended, and the said 31-12-104 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

31-12-104. Eligibility for annexation. (1) An area is eligible for annexation if the governing body, at a hearing as provided in section 31-12-109, finds and determines:

(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a

basis for a finding of compliance with these requirements unless the governing body, upon the basis of competent evidence presented at the hearing provided for in section 31-12-109, finds that ~~at least two~~ EITHER of the following are shown to exist:

(I) Less than fifty percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the annexing municipality: Recreational, civic, social, religious, industrial, or commercial; and less than twenty-five percent of said area's adult residents are employed in the annexing municipality. If there are no adult residents at the time of the hearing, this standard shall not apply.

(II) One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intention to devote the land to such agricultural use for a period of not less than five years.

~~(III) It is not physically practicable to extend to the area proposed to be annexed those urban services which the annexing municipality provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall any not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future be provided with any service by or through a quasi-municipal corporation.~~

(c) THE TERRITORY TO BE ANNEXED WILL RECEIVE URBAN SERVICES ON THE SAME GENERAL TERMS AND CONDITIONS AS THE REST OF THE ANNEXING MUNICIPALITY RECEIVES, WITH SUCH SERVICES TO BE PROVIDED BY THE ANNEXING MUNICIPALITY, BY OR THROUGH A QUASI-MUNICIPAL CORPORATION OR A PRIVATE ENTITY THAT HAS CONSENTED BY CONTRACT TO PROVIDE SUCH SERVICES, OR BY AGREEMENT OF THE PROPERTY OWNERS IN THE TERRITORY TO BE ANNEXED. IF URBAN SERVICES ARE NOT MADE AVAILABLE TO THE TERRITORY ON THE SAME GENERAL TERMS AND CONDITIONS AS THE REST OF THE ANNEXING MUNICIPALITY RECEIVES WITHIN THREE YEARS AFTER THE ANNEXATION, THEN THE TERRITORY MAY BE DISCONNECTED FROM THE MUNICIPALITY AS PROVIDED IN SECTION 31-12-119; HOWEVER, NOTHING IN THIS SECTION SHALL PRECLUDE AGREEMENT BETWEEN A MUNICIPALITY AND ONE OR MORE LANDOWNERS CONCERNING A LONGER PERIOD FOR EXTENSION OF URBAN SERVICES TO THE AREA TO BE ANNEXED SO LONG AS SUCH PERIOD DOES NOT EXCEED FIVE YEARS.

(d) THE ANNEXATION OF SUCH AREA IS IN COMPLIANCE WITH THE PLAN ADOPTED BY THE MUNICIPALITY PURSUANT TO SECTION 31-12-105 (1) (e) (I).

SECTION 12. 31-12-105 (1) (e), Colorado Revised Statutes, is amended, and the said 31-12-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

31-12-105. Limitations. (1) Notwithstanding any provisions of this part 1 to the contrary, the following limitations shall apply to all annexations:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place which would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1) (a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area ~~which~~ THAT IDENTIFIES ANY TERRITORY WITHIN SAID AREA FOR WHICH THE MUNICIPALITY MAY BE WILLING TO ENTERTAIN AN ANNEXATION PETITION. SUCH PLAN SHALL ~~generally describes~~ DESCRIBE the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.

SUCH PLAN SHALL, TO THE EXTENT REASONABLY PRACTICABLE, STATE THE INTENT OF THE MUNICIPALITY TO EXCLUDE ANY PROPERTY WITHIN THE AREA FROM A SPECIAL DISTRICT PURSUANT TO SECTION 32-1-502, C.R.S., INCLUDING THE MUNICIPALITY'S ASSESSMENT OF THE IMPACTS UPON THE SPECIAL DISTRICT ARISING OUT OF MUNICIPAL ANNEXATIONS WITHIN SUCH AREA. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

(II) AT LEAST TWENTY-ONE DAYS PRIOR TO THE ADOPTION OR UPDATING OF THE PLAN DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE GOVERNING BODY OF THE MUNICIPALITY SHALL SUBMIT SUCH PLAN TO THE BOARD OF COMMISSIONERS OF ANY COUNTY GOVERNING AN AREA INCLUDED WITHIN THE PLAN AND EACH SPECIAL DISTRICT PROVIDING SERVICES WITHIN SUCH AREA FOR AN OPPORTUNITY TO REVIEW AND COMMENT UPON THE PLAN. NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO REQUIRE A MUNICIPALITY TO PREPARE A PLAN FOR ANY TERRITORY IT DOES NOT INTEND TO ANNEX.

(e.3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1) TO THE CONTRARY, A MUNICIPALITY AND A SPECIAL DISTRICT MAY PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF SERVICES OR FACILITIES WITHIN ANY ANNEXATION AREA, INCLUDING AGREEMENT NOT TO EXCLUDE ANY PROPERTY WITHIN SUCH AREA FROM THE SPECIAL DISTRICT PURSUANT TO SECTION 32-1-502 C.R.S.

(e.5) NOTHING IN THIS PART 1 SHALL AFFECT THE RIGHTS OF COUNTY RESIDENTS TO PETITION THEIR DULY ELECTED OFFICIALS PURSUANT TO SECTION 24 OF ARTICLE II OF THE STATE CONSTITUTION.

(i) (I) IN THE EVENT ANNEXATION OF A PLANNED OR EXISTING RESIDENTIAL COMMUNITY, WHETHER ACCOMPLISHED IN A SINGLE STAGE OR A SERIES OF ANNEXATIONS, TAKES PLACE WITHOUT THE ANNEXATION OF A PORTION OF SUCH COMMUNITY, THE ANNEXING MUNICIPALITY SHALL ANNEX THE REMAINING PORTION WITHIN THREE YEARS OF THE LAST ANNEXATION IN THE SERIES AS LONG AS:

(A) THE REMAINING PORTION IS OTHERWISE ELIGIBLE FOR ANNEXATION PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE; AND

(B) A VALID PETITION FOR ANNEXATION OR ANNEXATION ELECTION WITH RESPECT TO THE REMAINING PORTION IS RECEIVED BY THE MUNICIPALITY WITHIN THE THREE-YEAR PERIOD AND, IN THE EVENT OF A PETITION FOR ANNEXATION ELECTION, THE QUESTION OF THE ANNEXATION HAS BEEN APPROVED BY THE QUALIFIED ELECTORS PURSUANT TO SECTION 31-12-112.

(II) THE MUNICIPALITY MAY IMPOSE ADDITIONAL TERMS AND CONDITIONS UPON THE ANNEXATION OF THE REMAINING PORTION AS PERMITTED BY SECTION 31-12-107 (4).

(III) FOR PURPOSES OF THIS PARAGRAPH (i), A "PLANNED OR EXISTING RESIDENTIAL COMMUNITY" IS AN AREA ZONED AND PLATTED FOR RESIDENTIAL USE BY A SINGLE OWNER OR DEVELOPER OR AN AREA FOR WHICH AN APPLICATION FOR SUCH ZONING AND PLATTING HAS BEEN MADE AND WHICH APPLICATION WAS OR IS PROPOSED TO BE APPROVED IN A SINGLE STAGE OR FILING BY THE COUNTY OR MUNICIPALITY WITH JURISDICTION OVER SUCH APPLICATION.

SECTION 13. 31-12-115 (1), Colorado Revised Statutes, is amended to read:

31-12-115. Zoning of land while annexation is under way - zoning of newly annexed land - subdivision of land while annexation is under way. (1) An annexing municipality may institute the procedure outlined in state statutes or municipal charter to make land subject to zoning at any time after a petition for annexation or a petition for an annexation election has been found to be valid in accordance with the

provisions of section 31-12-107. The proposed zoning ordinance shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading. ~~If the zoning process is commenced prior to the effective date of the annexation ordinance,~~ The legal protest area for zoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the annexing municipality.

SECTION 14. 31-12-116 (1) (a), Colorado Revised Statutes, is amended to read:

31-12-116. Review. (1) (a) If any landowner or any qualified elector in the area proposed to be annexed, the board of county commissioners of any county governing the area proposed to be annexed, or any municipality within ~~one mile~~ THREE MILES of the area proposed to be annexed believes itself to be aggrieved by the acts of the governing body of the annexing municipality in annexing said area to said municipality, such acts or findings of the governing body may be reviewed by certiorari in accordance with the Colorado rules of civil procedure. Such review proceedings shall be instituted in any district court having jurisdiction of the county in which the annexed area is located. In no event shall such a proceeding be instituted prior to the effective date of the annexing ordinance by the annexing municipality.

SECTION 15. 31-23-214 (1), Colorado Revised Statutes, is amended, and the said 31-23-214 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

31-23-214. Subdivision regulations. (1) Before any commission exercises the powers set forth in section 31-23-213, it shall adopt regulations governing the subdivision of land within its jurisdiction and shall publish the same in pamphlet form, which shall be available for public distribution, or, at the election of the commission, the regulations may be published once each week for three consecutive weeks in the official paper of the municipality or county in which such subdivisions, or any part thereof, are located. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum area and width of lots. The regulations may also provide for waivers from subdivision requirements and may establish different requirements applicable to subdivisions of different sizes, densities, or types of dwelling units. In the territory subject to subdivision jurisdiction beyond the municipal limits, the regulations shall provide only for conformance with the major street plan, UNLESS OTHER REGULATIONS HAVE BEEN APPROVED BY THE GOVERNING BODY OF THE ENTITY EXERCISING JURISDICTION OVER SUCH TERRITORY.

(3) REGULATIONS ADOPTED PURSUANT TO THIS SECTION SHALL BE DESIGNED, TO THE GREATEST EXTENT PRACTICABLE, TO ACCOMPLISH THE GOALS AND PURPOSES OF THE MASTER PLAN ADOPTED BY THE MUNICIPALITY IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 31-23-206.

SECTION 16. 32-1-203 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

32-1-203. Action on service plan - criteria. (2) The board of county commissioners shall disapprove the service plan unless evidence satisfactory to the board of each of the following is presented:

(a.3) ADEQUATE SERVICE IS NOT, OR WILL NOT BE, AVAILABLE TO THE AREA WITHIN A REASONABLE TIME AND ON A COMPARABLE BASIS THROUGH THE COUNTY OR OTHER EXISTING MUNICIPAL OR QUASI-MUNICIPAL CORPORATIONS, INCLUDING EXISTING SPECIAL DISTRICTS.

(a.7) THE FACILITY AND SERVICE STANDARDS OF THE PROPOSED SPECIAL DISTRICT ARE GENERALLY COMPATIBLE WITH THE FACILITY AND SERVICE STANDARDS OF EACH COUNTY WITHIN WHICH THE PROPOSED

SPECIAL DISTRICT IS TO BE LOCATED AS WELL AS EACH MUNICIPALITY THAT IS AN INTERESTED PARTY UNDER SECTION 32-1-204 (1), IF SUCH FACILITIES OR SERVICES WILL BE FULLY INTEGRATED WITH THE FACILITIES OR SERVICES OF THE COUNTY OR MUNICIPALITY.

SECTION 17. 32-1-203 (2.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

32-1-203. Action on service plan - criteria. (2.5) The board of county commissioners may disapprove the service plan if evidence satisfactory to the board of any of the following, at the discretion of the board, is not presented:

(f) THE CREATION OF THE PROPOSED SPECIAL DISTRICT WILL NOT FOSTER URBAN DEVELOPMENT THAT IS REMOTE FROM OR INCAPABLE OF BEING INTEGRATED WITH EXISTING URBAN AREAS OR PLACES A BURDEN ON ADJACENT JURISDICTIONS TO PROVIDE URBAN SERVICES TO RESIDENTS OF THE PROPOSED SPECIAL DISTRICT UNLESS OTHERWISE CONSISTENT WITH ANY COUNTY OR MUNICIPAL MASTER PLAN, COMPREHENSIVE PLAN, ANNEXATION PLAN, OR EXISTING OR PROPOSED INTERGOVERNMENTAL AGREEMENT. FOR PURPOSES OF THIS PARAGRAPH (f), "URBAN DEVELOPMENT" SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN SECTION 31-12-103 (13), C.R.S.

SECTION 18. The introductory portion to 32-1-204.5 (1), Colorado Revised Statutes, is amended to read:

32-1-204.5. Approval by municipality. (1) No special district shall be organized if its boundaries are wholly ANY PORTION OF THE AREA PROPOSED TO BE INCLUDED WITHIN THE SPECIAL DISTRICT IS contained within the boundaries of a municipality or municipalities, except upon adoption of a resolution of approval by the governing body of each municipality. The information required and criteria applicable to such approval shall be the information required and criteria set forth in sections 32-1-202 (2) and 32-1-203 (2) AND (2.5). IN ADDITION, FOR ANY SPECIAL DISTRICT THAT IS PROPOSED TO BE APPROVED, THE BOUNDARIES OF WHICH ARE WITHIN THREE MILES OF A MUNICIPALITY, THE MUNICIPALITY MAY CONSIDER WHETHER THE PROPOSAL IS IN SUBSTANTIAL COMPLIANCE WITH THE MUNICIPALITY'S PLAN AS PROVIDED BY SECTION 31-12-105 (1) (e) (I), C.R.S., AND OFFER COMMENTS REGARDING THE SERVICE PLAN TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY WHERE THE SPECIAL DISTRICT IS LOCATED. With reference to the review of any service plan FOR A SPECIAL DISTRICT THAT IS PROPOSED TO BE ORGANIZED WHOLLY OR PARTLY WITHIN A MUNICIPALITY, the governing body of each municipality has the following authority:

SECTION 19. 32-1-205 (1), Colorado Revised Statutes, is amended to read:

32-1-205. Resolution of approval required. (1) A petition for the organization of a special district filed in any district court of competent jurisdiction pursuant to the provisions of section 32-1-301 shall be accompanied by a resolution approving the service plan of the proposed special district by the board of county commissioners of each county where the territory of the proposed special district lies or, where required pursuant to section 32-1-204.5, by a resolution of approval by the governing body of each municipality. IF THE BOUNDARIES OF A PROPOSED SPECIAL DISTRICT INCLUDE ANY TERRITORY WITHIN A MUNICIPALITY, THEN THE PETITION FOR ORGANIZATION SHALL INCLUDE A RESOLUTION APPROVING THE SERVICE PLAN FROM BOTH THE COUNTY AND THE MUNICIPALITY. If the boundaries of a proposed special district include territory within two or more counties, a resolution approving the service plan for such special district shall be required from the board of county commissioners of each county which has territory included in the proposed special district; but the board of county commissioners of each of the respective counties, in their discretion, may hold a joint hearing on the proposed special district in accordance with section 32-1-204.

SECTION 20. 32-1-207 (2) and (3) (c), Colorado Revised Statutes, are amended to read:

32-1-207. Compliance - modification - enforcement. (2) After

the organization of a special district pursuant to the provisions of this part 2 and part 3 of this article, material modifications of the service plan as originally approved may be made by the governing body of such special district only by petition to and approval by the board of county commissioners or the governing body of the municipality ~~which~~ THAT has adopted a resolution of approval of the special district pursuant to section 32-1-204.5 in substantially the same manner as is provided for the approval of an original service plan; but the processing fee for such modification procedure shall not exceed two hundred fifty dollars. Such approval of modifications shall be required only with regard to changes of a basic or essential nature, including but not limited to the following: Any addition to the types of services provided by the special district; a decrease in the level of services; a decrease in the financial ability of the district to discharge the existing or proposed indebtedness; or a decrease in the existing or projected need for organized service in the area. Approval for modification shall not be required for changes necessary only for the execution of the original service plan or for changes in the boundary of the special district; except that the inclusion of property ~~which~~ THAT is located in a county or municipality with no other territory within the special district OR SUBSTANTIAL OR CONSEQUENTIAL CHANGES IN THE BOUNDARY OF THE SPECIAL DISTRICT THAT LIE WITHIN THE THREE-MILE PLAN AS PROVIDED IN SECTION 31-12-105 (1) (e) (I) may constitute a material modification of the service plan or the statement of purposes of the special district as set forth in section 32-1-208. In the event that a special district changes its boundaries to include territory located in a county or municipality OR WITHIN THREE MILES OF A MUNICIPALITY with no other territory within the special district, the special district shall notify the board of county commissioners of such county or the governing body of the municipality of such inclusion. The board of county commissioners or the governing body of the municipality THAT HAS ADOPTED A RESOLUTION OF APPROVAL OF THE SPECIAL DISTRICT PURSUANT TO SECTION 32-1-204.5 may review such inclusion and, if it determines that the inclusion constitutes a material modification, may require the governing body of such special district to file a modification of its service plan in accordance with the provisions of this subsection (2).

(3) (c) A board of county commissioners may request any special district located wholly or partially within the county’s unincorporated area, and the governing body of any municipality may request any special district located wholly or partially within the municipality’s boundaries OR, IF ALSO REQUESTED BY THE COUNTY, WITHIN THREE MILES OF THE MUNICIPALITY’S BOUNDARIES, to file, not more than once a year, a special district annual report. The annual report, IF REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF ANY MUNICIPALITY IN WHICH THE SPECIAL DISTRICT IS WHOLLY OR PARTIALLY LOCATED, shall be filed with the board of county commissioners, any municipality in which the special district is wholly or partially located OR WITHIN THREE MILES OF THE SPECIAL DISTRICT’S BOUNDARIES, the division, and the state auditor, and such report shall be deposited with the county clerk and recorder for public inspection, and a copy of the report shall be made available by the special district to any interested party pursuant to section 32-1-204 (1). If a special district files an annual report pursuant to this paragraph (c), such report shall include but shall not be limited to information on the progress of the special district in the implementation of the service plan. The board of county commissioners or the governing body of the municipality may review the annual reports in a regularly scheduled public meeting, and such review shall be included as an agenda item in the public notice for such meeting.

SECTION 21. 32-1-502 (2) (c), Colorado Revised Statutes, is amended to read:

32-1-502. Exclusion of property within municipality - procedure. (2) Subject to the provisions of subsection (5) of this section, the court shall hold a hearing on the petition and order the territory described in the petition or any portion thereof excluded from the special district if the following conditions are met:

(c) The governing body of the municipality and the board shall each submit a plan for the disposition of assets and continuation of services to all areas of the district. Said plans shall include, if applicable,

provisions for the maintenance and continuity of facilities to be utilized by the territories both within and without the municipal boundaries and of services to all territories served or previously served by the special district. If the municipality and the special district agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order. The court's review of the provisions of the contract shall include, but not be limited to, consideration of the amount of the special district's outstanding bonds, the discharge by the municipality or the territory excluded from the special district of that portion of the special district's indebtedness incurred to serve the territory proposed for exclusion, the fair market value and source of special district facilities located within the territory proposed for exclusion, the facilities to be transferred which are necessary to serve the territory proposed for exclusion, the adequacy of the facilities retained by the special district to serve the remaining territory of the special district, the availability of the facilities transferred to the municipality for use, in whole or in part, in the remaining territory of the special district, the effect ~~which~~ THAT the transfer of the facilities and assumption of indebtedness will have upon the service provided by the special district in territory ~~which~~ THAT is not part of the exclusion, and the extent to which the exclusion reduces the services or facilities or increases the costs to users in the remaining territory of the special district, AND THE IMPACTS UPON THE SPECIAL DISTRICT ARISING OUT OF MUNICIPAL ANNEXATIONS OR EXCLUSIONS OF TERRITORY WITHIN THE SPECIAL DISTRICT PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 22. 38-5-108, Colorado Revised Statutes, is amended to read:

38-5-108. Consent necessary to use of streets. Nothing in this article shall be construed to authorize any person, partnership, association, corporation, or city or town to erect any poles, construct any electric light power line, or pipeline, or extend any wires or lines along, through, in, upon, under, or over any streets or alleys of any city, CONSOLIDATED CITY AND COUNTY, or incorporated town without first obtaining the consent of the municipal authorities having power to give the consent of such city, CONSOLIDATED CITY AND COUNTY, or incorporated town. SUCH CITY, CONSOLIDATED CITY AND COUNTY, OR UNINCORPORATED TOWN MAY NOT UNREASONABLY DENY, WITHHOLD, OR CONDITION SUCH CONSENT.

SECTION 23. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to proceedings, including without limitation, annexation proceedings, involving local governments commencing on or after July 1, 2000.

SECTION 24. 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."

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB00-1179**

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB00-1179, concerning the regulation of barbers and cosmetologists, and, in connection therewith, repealing the state board of barbers and cosmetologists and authorizing the director of the division of registrations in the department of regulatory agencies to license barbers and cosmetologists, has met and reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefore:

Amend reengrossed bill, page 20, line 9, strike "2015." and substitute "2005."

Page 21, strike lines 10 through 17 and substitute the following:

"SECTION 33. 24-34-104 (36), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(a) The fire suppression program of the division of fire safety created pursuant to sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, C.R.S.;

(b) THE LICENSING OF BARBERS AND COSMETOLOGISTS BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE 8 OF TITLE 12, C.R.S."

Respectfully submitted,

House Committee:
(Signed)
Rep. Ken Kester, Chair
Rep. Matt Smith
Rep. Carl Miller

Senate Committee:
(Signed)
Sen. Ken Chlouber, Chair
Sen. Bryant Sullivant
Sen. Alice Nichol

APPOINTMENTS TO CONFERENCE COMMITTEES

HB 00-1321 by Rep. Scott; Senator Sullivant--Maturity Date Certain Pub Funds

The President appointed Senators Sullivant, Chairman, Evans and Feeley as Senate Conferees on the First Conference Committee on HB00-1321.

MESSAGE FROM THE HOUSE

March 15, 2000

Mr. President:

The House has passed on Third Reading and returns herewith SB00-067.

INTRODUCTION OF RESOLUTION

The following resolution was read by title and referred to the committee indicated:

SJR 00-009 by Senator Chlouber; Representative Spradley--Concerning the Colorado general assembly's opposition to the movement of contaminated materials from the S.W. Shattuck Chemical Company site to any location or facility in Fremont county, Colorado.
Agriculture, Natural Resources, and Energy

TRIBUTES--A POINT OF INTEREST

Honoring Eileen Banks Diepenbrock by Senator Powers

JOURNAL CORRECTION

Amend the Senate Journal, March 14, page 606, strike lines 44 through 72.

Page 607, strike lines 1 through 33 and substitute the following:

"SCR 00-002 by Sen. Blickensderfer; Rep. Dean--Timetable Redistricting General Assembly

CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO OF AN AMENDMENT TO SECTION 48 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE TIMETABLE FOR ADOPTION OF A REDISTRICTING PLAN FOR THE GENERAL ASSEMBLY.

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Subsections (1) (b), (1) (d), and (1) (e) of section 48 of article V of the state constitution are amended to read:

Section 48. Revision and alteration of districts - reapportionment commission.
(1) (b) The four legislative members shall be the speaker of the house of representatives, the minority leader of the house of representatives, and the majority and minority leaders of the senate, or the designee of any such officer to serve in his OR HER stead, which acceptance of service or designation shall be made no later than July 1 APRIL 15 of the year following that in which the federal census is taken. The three executive members shall be appointed by the governor between July 1 and July 10 APRIL 15 AND APRIL 25 of such year, and the four judicial members shall be appointed by the chief justice of the Colorado supreme court between July 10 and July 20 APRIL 25 AND MAY 5 of such year.

(d) Any vacancy created by the death or resignation of a member, or otherwise, shall be filled by the respective appointing authority. Members of the commission shall hold office until their reapportionment and redistricting plan is implemented. No later than August 1 MAY 15 of the year of their appointment, the governor shall convene the commission and appoint a temporary chairman who shall preside until the commission elects its own officers.

(e) Within ninety ONE HUNDRED THIRTEEN days after the commission has been convened or the necessary census data are available, whichever is later, the commission shall publish a preliminary plan for reapportionment of the members of the general assembly and shall hold public hearings thereon in several places throughout the state within forty-five days after the date of such publication. ~~Within forty-five days after the completion of such hearings;~~ NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR, the commission shall finalize its plan and submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article. Such review and determination shall take precedence over other matters before the court. The supreme court shall adopt rules for such proceedings and for the production and presentation of supportive evidence for such plan. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN SHALL BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT; EXCEPT THAT THE FINAL SUBMISSION MUST BE MADE NO LATER THAN NINETY DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN NINETY DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. The supreme court shall either approve the plan or return the plan and the court's reasons for disapproval to the commission. If the plan is returned, the commission shall revise and modify it to conform to the court's requirements and resubmit the plan to the court within twenty days THE TIME PERIOD SPECIFIED BY THE COURT. ~~If the plan is approved by the court, it shall be filed with the secretary of state for implementation no later than March 15 of the second year following the year in which the census was taken.~~ THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REAPPORTIONMENT OF THE MEMBERS

OF THE GENERAL ASSEMBLY BY A DATE THAT WILL ALLOW SUFFICIENT TIME FOR SUCH PLAN TO BE FILED WITH THE SECRETARY OF STATE NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION 48 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE TIMETABLE FOR ADOPTION OF A REDISTRICTING PLAN FOR THE GENERAL ASSEMBLY."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution."

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Thursday, March 16, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate