

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0321.01 Bob Lackner

**HOUSE BILL 01-1139**

---

**HOUSE SPONSORSHIP**

**Jameson**

**SENATE SPONSORSHIP**

**(None)**

---

**House Committees**

**Senate Committees**

Local Government

---

**A BILL FOR AN ACT**

101 **CONCERNING REGIONAL PLANNING BOARDS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Makes legislative findings regarding the establishment of regional planning boards that are empowered to coordinate land use planning on a regional basis.

Divides the state into regions and establishes a regional planning board (board) for each region. Specifies that for any county for which a metropolitan planning organization has been designated, the territorial boundaries of the board exercising jurisdiction over the county shall be the same as the territorial boundaries of the metropolitan planning organization. Specifies that for any county not included within a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

metropolitan planning organization, the territorial boundaries of the board exercising jurisdiction over the county shall be the same as the territorial boundaries of the transportation planning region to which the county has been assigned.

Provides that the governing body of each board shall be an executive committee. Requires the department of local affairs no later than December 31, 2001, to call the first meeting of the executive committee to discuss organizational matters. In connection with the initial meeting, the executive committee shall be comprised of at least one representative of each local government located within the territorial boundaries of the area over which the board exercises jurisdiction. Thereafter, the executive committee shall decide upon the number of representatives on the committee to which any particular local government may be entitled.

Specifies that each local government representative to the board shall be either an appointed public official or a person elected directly by the electors of the local government. Specifies certain internal procedures concerning the operation of each board.

Specifies that each board shall have certain powers and duties, including the following:

- In the absence of an urban service area designation affecting the land proposed for annexation, approving annexation by a municipality of any land within the area over which the board exercises its jurisdiction upon consideration of certain factors specified in the act;
- Negotiating, approving, or facilitating intergovernmental agreements between or among local governments that provide for revenue sharing; and
- To review and approve intergovernmental agreements between local governments containing provisions designating an urban service area. Upon such approval, provides that an annexation undertaken by a municipality within the urban service area is not subject to approval of the board. Specifies that, where the municipality seeks annexation of an area beyond its designated urban service area, the annexation shall be submitted to the board for its review and approval in accordance with the requirements of the act.

Requires each board, no later than July 1, 2002, to establish a system for the resolution of land use disputes arising in the area over which the board exercises jurisdiction. Specifies certain features that the system for dispute resolution shall contain.

Specifies that, in the case of any conflict between a decision made by a board and a decision made by any other regional entity created by state law that may be involved in regional planning, the decision of the

board shall govern.

Defines terms. Makes conforming amendments.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 28 of title 30, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 5

5 REGIONAL PLANNING BOARDS

6 **30-28-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 HEREBY FINDS AND DECLARES THAT:

8 (a) DECISIONS MADE BY ONE LOCAL GOVERNMENT OFTEN PRODUCE  
9 WIDESPREAD EFFECTS THROUGH AN ENTIRE REGION OF THIS STATE;

10 (b) IN PARTICULAR, WHEN ONE LOCAL GOVERNMENT WITH A LARGE  
11 POPULATION OR TAX BASE MAKES DECISIONS CONCERNING ECONOMIC  
12 DEVELOPMENT OR GROWTH PATTERNS, THE DECISION FREQUENTLY  
13 AFFECTS SMALLER OR LESS AFFLUENT JURISDICTIONS ON ITS PERIPHERY;

14 (c) ATTEMPTS BY THE AFFECTED GOVERNMENTAL ENTITIES TO  
15 ADDRESS THESE DISPARITIES SOMETIMES PRODUCE ADVERSE PUBLIC  
16 CONSEQUENCES, SUCH AS EXCESSIVE PUBLIC DEBT, A DILUTION OF THE  
17 CULTURAL IDENTITY ASSOCIATED WITH PARTICULAR COMMUNITIES, A  
18 WEAKENING IN THE TRADITIONAL ECONOMIC FOUNDATION OF A  
19 COMMUNITY OR REGION, OR A LOSS OF OPEN SPACE;

20 (d) AS A RESULT OF THE REGIONAL EFFECTS OF DECISION-MAKING  
21 BY LOCAL GOVERNMENTS, ALL RESIDENTS OF, AND LOCAL GOVERNMENTS  
22 LOCATED WITHIN, A PARTICULAR REGION SHOULD HAVE SOME  
23 INVOLVEMENT IN ECONOMIC DECISION-MAKING AFFECTING THAT REGION;

24 (e) ACCORDINGLY, IT IS APPROPRIATE TO COOPERATIVELY PLAN  
25 AND PROVIDE FOR ADEQUATE PUBLIC FACILITY REQUIREMENTS ON A

1 REGIONAL BASIS AND TO PROVIDE FOR REGIONAL INVOLVEMENT IN  
2 DECISIONS AFFECTING SUCH CRITICAL ISSUES AS THE SITING OF MAJOR  
3 TRANSITORY ARTERIES, THE AVAILABILITY OF SUFFICIENT WATER  
4 RESOURCES, INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL DEVELOPMENT,  
5 AN APPROPRIATE BALANCE BETWEEN THE NUMBER OF JOBS IN A REGION  
6 AND THE SUPPLY OF AFFORDABLE HOUSING, THE DEVELOPMENT OF LAND  
7 USE POLICY, AND THE TERRITORIAL BOUNDARIES OF LOCAL GOVERNMENTS  
8 WITHIN A PARTICULAR REGION; AND

9 (f) REGIONAL COORDINATION AND PLANNING SHOULD NOT DEPRIVE  
10 LOCAL GOVERNMENTS OF THEIR INDIVIDUAL IDENTITIES.

11 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS  
12 PART 5 THAT REGIONAL PLANNING BOARDS BE ESTABLISHED AND  
13 EMPOWERED TO COORDINATE LAND USE PLANNING ON A REGIONAL BASIS  
14 IN A MANNER THAT DOES NOT INTERFERE WITH ZONING DECISIONS OR LAND  
15 USE APPROVALS OR DENIALS BY LOCAL GOVERNMENTS.

16 **30-28-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "BOARD" MEANS A REGIONAL PLANNING BOARD CREATED BY  
19 THIS PART 5.

20 (2) "LAND USE DISPUTE" MEANS AN EXISTING OR IMPENDING  
21 DISAGREEMENT BETWEEN TWO OR MORE LOCAL GOVERNMENTS  
22 CONCERNING A PLANNING, ZONING, SUBDIVISION, ANNEXATION,  
23 TRANSPORTATION, STREET ACCESS, OR OTHER LAND USE DECISION OR  
24 GROUP OF RELATED DECISIONS.

25 (3) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR  
26 STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND  
27 COUNTY.

1 (4) "METROPOLITAN PLANNING ORGANIZATION" SHALL HAVE THE  
2 SAME MEANING AS PROVIDED IN SECTION 43-1-1102 (4), C.R.S.

3 (5) "TRANSPORTATION PLANNING REGION" SHALL HAVE THE SAME  
4 MEANING AS PROVIDED IN SECTION 43-1-1102 (8) (a), C.R.S.

5 **30-28-503. Regional planning boards - establishment -**  
6 **territorial boundaries.** (1) FOR PURPOSES OF THIS PART 5, THE STATE  
7 SHALL BE DIVIDED INTO REGIONS PURSUANT TO SUBSECTIONS (2) AND (3)  
8 OF THIS SECTION AND EACH REGION SHALL BE REPRESENTED BY A SEPARATE  
9 AND INDEPENDENT REGIONAL PLANNING BOARD, WHICH BOARDS ARE  
10 HEREBY ESTABLISHED.

11 (2) FOR ANY COUNTY FOR WHICH A METROPOLITAN PLANNING  
12 ORGANIZATION HAS BEEN DESIGNATED PURSUANT TO PART 11 OF ARTICLE  
13 1 OF TITLE 43, C.R.S., THE TERRITORIAL BOUNDARIES OF THE BOARD  
14 EXERCISING JURISDICTION OVER THE COUNTY SHALL BE THE SAME AS THE  
15 TERRITORIAL BOUNDARIES OF THE METROPOLITAN PLANNING  
16 ORGANIZATION.

17 (3) FOR ANY COUNTY FOR WHICH A METROPOLITAN PLANNING  
18 ORGANIZATION HAS NOT BEEN DESIGNATED PURSUANT TO PART 11 OF  
19 ARTICLE 1 OF TITLE 43, C.R.S., THE TERRITORIAL BOUNDARIES OF THE  
20 BOARD EXERCISING JURISDICTION OVER THE COUNTY SHALL BE THE SAME  
21 AS THE TERRITORIAL BOUNDARIES OF THE TRANSPORTATION PLANNING  
22 REGION TO WHICH THE COUNTY HAS BEEN ASSIGNED AS DESCRIBED IN THE  
23 RULES PROMULGATED PURSUANT TO SECTION 43-1-1103 (5), C.R.S.

24 **30-28-504. Executive committee as governing body of board -**  
25 **composition of the executive committee - officers of the executive**  
26 **committee.** (1) (a) THE GOVERNING BODY OF EACH BOARD SHALL BE AN  
27 EXECUTIVE COMMITTEE.

1 (b) NO LATER THAN DECEMBER 31, 2001, THE DEPARTMENT OF  
2 LOCAL AFFAIRS SHALL CALL THE FIRST MEETING OF THE EXECUTIVE  
3 COMMITTEE TO DISCUSS ORGANIZATIONAL MATTERS. IN CONNECTION WITH  
4 THE INITIAL MEETING, THE EXECUTIVE COMMITTEE SHALL BE COMPRISED  
5 OF AT LEAST ONE REPRESENTATIVE OF EACH LOCAL GOVERNMENT LOCATED  
6 WITHIN THE TERRITORIAL BOUNDARIES OF THE AREA OVER WHICH THE  
7 BOARD EXERCISES JURISDICTION. THEREAFTER, THE EXECUTIVE  
8 COMMITTEE SHALL DECIDE UPON THE NUMBER OF REPRESENTATIVES ON  
9 THE COMMITTEE TO WHICH ANY PARTICULAR LOCAL GOVERNMENT MAY BE  
10 ENTITLED.

11 (2) EACH REPRESENTATIVE OF A LOCAL GOVERNMENT TO THE  
12 EXECUTIVE COMMITTEE SHALL BE EITHER APPOINTED OR ELECTED IN  
13 CONFORMITY WITH THE REQUIREMENTS OF THIS SUBSECTION (2). THE  
14 GOVERNING BODY OF THE LOCAL GOVERNMENT MAY APPOINT THE  
15 REPRESENTATIVE OF THAT LOCAL GOVERNMENT TO THE EXECUTIVE  
16 COMMITTEE; HOWEVER, THE REPRESENTATIVE APPOINTED SHALL HOLD  
17 ELECTIVE OFFICE WITHIN THE LOCAL GOVERNMENT AT THE TIME OF HIS OR  
18 HER APPOINTMENT. IN THE ALTERNATIVE, THE REPRESENTATIVE OF THE  
19 LOCAL GOVERNMENT MAY BE ELECTED DIRECTLY BY A MAJORITY OF THE  
20 POPULAR VOTE OF THE ELECTORS OF THE LOCAL GOVERNMENT. EACH  
21 LOCAL GOVERNMENT SHALL DETERMINE THE MANNER IN WHICH ANY  
22 REPRESENTATIVE OF THAT LOCAL GOVERNMENT TO THE EXECUTIVE  
23 COMMITTEE SHALL BE SELECTED.

24 (3) (a) FOR ANY BOARD ESTABLISHED UNDER THIS PART 5, THE  
25 QUALIFICATIONS OF MEMBERS OF THE EXECUTIVE COMMITTEE, THE LENGTH  
26 OF THE MEMBERS' TERMS, AND THE METHOD OF THE MEMBERS' REMOVAL  
27 FROM THE EXECUTIVE COMMITTEE SHALL BE DETERMINED AND AGREED

1 UPON BY THE MEMBERS OF THE EXECUTIVE COMMITTEE; HOWEVER, EACH  
2 LOCAL GOVERNMENT LOCATED WITHIN THE AREA OVER WHICH THE BOARD  
3 EXERCISES JURISDICTION SHALL BE ENTITLED TO ONE VOTING  
4 REPRESENTATIVE ON THE EXECUTIVE COMMITTEE.

5 (b) THE EXECUTIVE COMMITTEE SHALL ELECT ITS CHAIR, WHOSE  
6 LENGTH OF TERM SHALL BE DETERMINED AND AGREED UPON BY THE  
7 EXECUTIVE COMMITTEE, FROM AMONG ITS MEMBERS WITH ELIGIBILITY FOR  
8 REELECTION. THE EXECUTIVE COMMITTEE MAY CREATE AND FILL SUCH  
9 OTHER OFFICES AS IT MAY DETERMINE.

10 (4) THE EXECUTIVE COMMITTEE OF EACH BOARD CREATED BY THIS  
11 PART 5 SHALL HOLD ITS FIRST ORGANIZATIONAL MEETING NO LATER THAN  
12 ONE HUNDRED EIGHTY DAYS AFTER JULY 1, 2001. THEREAFTER, THE  
13 EXECUTIVE COMMITTEE SHALL MEET AT LEAST ONCE DURING EACH  
14 QUARTER OF A CALENDAR YEAR.

15 **30-28-505. Powers and duties of the board.** (1) EACH BOARD  
16 CREATED BY THIS PART 5 SHALL HAVE THE FOLLOWING POWERS AND  
17 DUTIES:

18 (a) (I) SUBJECT TO PARAGRAPH (c) OF THIS SUBSECTION (1), TO  
19 APPROVE THE ANNEXATION BY A MUNICIPALITY OF ANY LAND LOCATED  
20 WITHIN THE AREA OVER WHICH THE BOARD EXERCISES ITS JURISDICTION IN  
21 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 31-12-105 (1) (i),  
22 C.R.S.;

23 (II) IN DETERMINING WHETHER OR NOT TO APPROVE AN  
24 ANNEXATION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),  
25 THE BOARD SHALL CONSIDER ONE OR MORE OF THE FOLLOWING FACTORS:

26 (A) THE SITING OF MAJOR TRANSIT ARTERIES;

27 (B) THE AVAILABILITY OF SUFFICIENT WATER RESOURCES;

1 (C) INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL DEVELOPMENT;

2 (D) AN APPROPRIATE BALANCE BETWEEN THE NUMBER OF JOBS IN  
3 A REGION AND THE SUPPLY OF AFFORDABLE HOUSING;

4 (E) THE DEVELOPMENT OF LAND USE POLICY;

5 (F) THE TERRITORIAL BOUNDARIES OF LOCAL GOVERNMENTS  
6 WITHIN A PARTICULAR REGION; AND

7 (G) THE WILLINGNESS OF THE LOCAL GOVERNMENT INTENDING TO  
8 THE ANNEX THE AREA PROPOSED FOR ANNEXATION TO ESTABLISH  
9 DEVELOPMENT CHARGES WHEN SUCH CHARGES ARE REASONABLY  
10 NECESSARY TO SERVE THE RESIDENTS AND ANY FUTURE RESIDENTS OF THE  
11 AREA.

12 (b) TO NEGOTIATE, APPROVE, OR OTHERWISE FACILITATE  
13 INTERGOVERNMENTAL AGREEMENTS BETWEEN OR AMONG LOCAL  
14 GOVERNMENTS THAT PROVIDE FOR REVENUE SHARING PURSUANT TO  
15 SECTION 29-20-105 (1) (h), C.R.S.

16 (c) TO REVIEW AND APPROVE INTERGOVERNMENTAL AGREEMENTS  
17 BETWEEN LOCAL GOVERNMENTS CONTAINING PROVISIONS DESIGNATING AN  
18 URBAN SERVICE AREA. UPON SUCH APPROVAL, AN ANNEXATION  
19 UNDERTAKEN BY A MUNICIPALITY WITHIN THE URBAN SERVICE AREA IS NOT  
20 SUBJECT TO APPROVAL OF THE BOARD PURSUANT TO PARAGRAPH (a) OF  
21 THIS SUBSECTION (1). WHERE THE MUNICIPALITY SEEKS ANNEXATION OF  
22 AN AREA BEYOND ITS DESIGNATED URBAN SERVICE AREA, THE ANNEXATION  
23 SHALL BE SUBMITTED TO THE BOARD FOR ITS REVIEW AND APPROVAL  
24 PURSUANT TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION  
25 (1).

26 (2) (a) NO LATER THAN JULY 1, 2002, EACH BOARD SHALL  
27 ESTABLISH A SYSTEM FOR THE RESOLUTION OF LAND USE DISPUTES ARISING



1 IN THE AREA OVER WHICH IT EXERCISES ITS JURISDICTION.

2 (b) THE SYSTEM FOR THE RESOLUTION OF LAND USE DISPUTES  
3 CREATED BY THIS SUBSECTION (2) SHALL PROVIDE FOR:

4 (I) NECESSARY DEADLINES AND PROCEDURES BY WHICH THE  
5 PROCESS FOR RESOLVING THE DISPUTE SHALL BE CONDUCTED;

6 (II) A METHOD FOR SELECTING DISINTERESTED AND QUALIFIED  
7 PERSONS WHO SHALL HEAR AND RESOLVE THE DISPUTE; AND

8 (III) ANY OTHER COMPONENTS THAT, IN THE JUDGMENT OF THE  
9 BOARD, ARE REQUIRED FOR THE EFFECTIVE FUNCTIONING OF THE SYSTEM.

10 (c) AFTER THE SYSTEM CREATED IN PARAGRAPH (a) OF THIS  
11 SUBSECTION (2) IS ESTABLISHED, THE SYSTEM SHALL BE MAINTAINED BY  
12 THE BOARD CONSISTENT WITH THE LEGISLATIVE INTENT BEHIND THIS PART  
13 5.

14 (d) THE BOARD SHALL UNDERTAKE ALL REASONABLE EFFORTS TO  
15 ENCOURAGE LOCAL GOVERNMENTS TO PARTICIPATE IN THE DISPUTE  
16 RESOLUTION SYSTEM CREATED BY THIS SUBSECTION (2). SUCH EFFORTS  
17 MAY INCLUDE, WITHOUT LIMITATION, THE NEGOTIATION OF  
18 INTERGOVERNMENTAL AGREEMENTS OBLIGATING THE PARTIES TO SEEK  
19 INITIAL RESOLUTION OF THEIR LAND USE DISPUTES BY MEANS OF THE  
20 SYSTEM.

21 (e) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO  
22 PROHIBIT, DELAY, OR OTHERWISE INTERFERE WITH THE ABILITY OF A LOCAL  
23 GOVERNMENT TO BRING LEGAL OR OTHER ACTION TO ENFORCE ITS LEGAL  
24 RIGHTS.

25 (3) ANY GOVERNING BODY OF A LOCAL GOVERNMENT MAY, FROM  
26 TIME TO TIME, UPON THE REQUEST OF THE BOARD AND FOR THE PURPOSE OF  
27 SPECIAL SURVEYS, ASSIGN OR DETAIL TO THE BOARD ANY MEMBERS OF

1 STAFF OF COUNTY OR MUNICIPAL ADMINISTRATIVE DEPARTMENTS OR MAY  
2 DIRECT ANY SUCH DEPARTMENT TO MAKE FOR THE BOARD SPECIAL  
3 SURVEYS OR STUDIES REQUESTED BY THE BOARD.

4 (4) THE PROPORTION OF THE EXPENSES OF THE BOARD TO BE BORNE  
5 RESPECTIVELY BY ANY GOVERNING BODY OF A LOCAL GOVERNMENT  
6 PARTICIPATING IN ITS MAINTENANCE SHALL BE DETERMINED AND AGREED  
7 UPON BY THE GOVERNING BODIES, WHICH GOVERNING BODIES ARE  
8 AUTHORIZED TO APPROPRIATE OR CAUSE TO BE APPROPRIATED THEIR  
9 RESPECTIVE SHARES OF SUCH EXPENSES.

10 (5) WITHIN THE AMOUNTS DULY APPROPRIATED OR OTHERWISE  
11 RECEIVED, THE BOARD HAS THE POWER TO APPOINT SUCH CLERICAL AND  
12 STENOGRAPHIC EMPLOYEES AND SUCH TECHNICALLY QUALIFIED STAFF AS  
13 ARE NECESSARY TO PERFORM ITS WORK. EACH BOARD HAS THE FURTHER  
14 POWER TO CONTRACT FOR SUCH OTHER SERVICES, FACILITIES, OR  
15 PERSONNEL AS IT MAY REQUIRE WITHIN ITS MEANS, INCLUDING THE  
16 SERVICES OF PROFESSIONAL PLANNERS OR OTHER CONSULTANTS.

17 (6) THE BOARD IS SPECIFICALLY EMPOWERED TO RECEIVE AND  
18 EXPEND ALL GRANTS, GIFTS, AND BEQUESTS, SPECIFICALLY INCLUDING  
19 STATE AND FEDERAL FUNDS AND OTHER FUNDS AVAILABLE FOR THE  
20 PURPOSES DESCRIBED IN THIS PART 5, AND TO CONTRACT WITH THE STATE  
21 OF COLORADO, THE UNITED STATES, AND ALL OTHER LEGAL ENTITIES IN  
22 CONNECTION WITH THE PURPOSES OF THIS PART 5. THE BOARD MAY  
23 PROVIDE, WITHIN THE LIMITATIONS OF ITS BUDGET, MATCHING FUNDS  
24 WHEREVER GRANTS, GIFTS, BEQUESTS, AND CONTRACTUAL ASSISTANCE ARE  
25 AVAILABLE ON SUCH BASIS.

26 (7) THE BOARD SHALL BE A BODY POLITIC AND CORPORATE, WITH  
27 POWER TO SUE AND BE SUED. IT SHALL BE LIABLE ON ITS UNDERTAKINGS,

1 CONTRACTUAL OR OTHERWISE. THE INDIVIDUAL MEMBERS OF THE  
2 EXECUTIVE COMMITTEE OF ANY BOARD, THE LOCAL GOVERNMENTS THE  
3 MEMBERS REPRESENT, AND THE GOVERNING BODIES AND OFFICIALS OF THE  
4 LOCAL GOVERNMENTS SHALL NOT BE LIABLE ON THE UNDERTAKINGS OF  
5 THE BOARD, CONTRACTUAL OR OTHERWISE, REGARDLESS OF THE  
6 PROCEDURE BY WHICH SUCH UNDERTAKINGS MAY BE ENTERED INTO.

7 (8) THE BOARD HAS THE POWER TO ADOPT ARTICLES TO REGULATE  
8 AND GOVERN ITS AFFAIRS, WHETHER AS AN INCORPORATED ASSOCIATION  
9 OR OTHERWISE, IN THE PERFORMANCE OF ITS FUNCTIONS AS ESTABLISHED  
10 BY THIS PART 5. THE ARTICLES SHALL CONTAIN RULES PERTAINING TO THE  
11 TRANSACTION OF THE BOARD'S BUSINESS. THE BOARD SHALL KEEP  
12 RECORDS OF ITS RESOLUTIONS, TRANSACTIONS, CONTRACTUAL  
13 UNDERTAKINGS, FINDINGS, AND DETERMINATIONS, WHICH RECORDS SHALL  
14 BE PUBLIC RECORDS. THE BOARD SHALL EXERCISE ALL POWERS  
15 NECESSARY OR INCIDENTAL TO FULLY EXERCISE THE POWERS AND  
16 AUTHORITY CONFERRED ON THE BOARD BY THIS PART 5.

17 (9) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO GIVE A  
18 BOARD OR ANY OF ITS OFFICERS ANY POWERS, EXPRESS OR IMPLIED, TO  
19 REVIEW ANY ZONING DECISION OR DEVELOPMENT DENIAL OR APPROVAL BY  
20 ANY LOCAL GOVERNMENT.

21 **30-28-506. Conflict with any other regional planning entity.** IN  
22 THE CASE OF ANY CONFLICT BETWEEN A DECISION MADE BY ANY BOARD  
23 CREATED BY THIS PART 5 AND A DECISION MADE BY ANY OTHER REGIONAL  
24 ENTITY CREATED BY STATE LAW ON OR AFTER THE EFFECTIVE DATE OF THIS  
25 ACT THAT MAY ALSO BE INVOLVED IN REGIONAL PLANNING, INCLUDING,  
26 WITHOUT LIMITATION, A REGIONAL PLANNING COMMISSION CREATED BY  
27 SECTION 30-28-105, THE DECISION OF THE BOARD SHALL GOVERN.

1           **SECTION 2.** 29-20-105 (2) (h), Colorado Revised Statutes, is  
2 amended to read:

3           **29-20-105. Intergovernmental cooperation.** (2) (h) Local  
4 governments may, pursuant to an intergovernmental agreement, provide  
5 for ~~revenue-sharing~~ REVENUE SHARING. IN ORDER TO HAVE THE FORCE  
6 AND EFFECT OF LAW, ANY INTERGOVERNMENTAL AGREEMENT PROVIDING  
7 FOR REVENUE SHARING SHALL BE APPROVED BY THE APPLICABLE REGIONAL  
8 PLANNING BOARD IN ACCORDANCE WITH SECTION 30-28-505 (1) (c), C.R.S.

9           **SECTION 3.** 30-28-105 (8), Colorado Revised Statutes, is  
10 amended to read:

11           **30-28-105. Regional planning commission.** (8) The regional  
12 planning commission has the power to adopt articles to regulate and  
13 govern its affairs, whether as an incorporated association or otherwise, in  
14 the performance of the regional planning functions as defined by statute;  
15 such articles shall contain rules pertaining to the transaction of the  
16 commission’s business. The regional planning commission shall keep  
17 records of its resolutions, transactions, contractual undertakings, findings,  
18 and determinations, which records shall be public records. SUBJECT TO  
19 THE PROVISIONS OF PART 5 OF THIS ARTICLE, the regional planning  
20 commission has and shall exercise all powers necessary or incidental to  
21 exercise fully the powers and authority conferred in this section.

22           **SECTION 4.** 31-12-105 (1), Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24           **31-12-105. Limitations.** (1) Notwithstanding any provisions of  
25 this part 1 to the contrary, the following limitations shall apply to all  
26 annexations:

27           (i) NO ANNEXATION PETITION OR PETITION FOR AN ANNEXATION

1 ELECTION PURSUANT TO SECTION 31-12-107 IS VALID UNLESS THE  
2 REGIONAL PLANNING BOARD CREATED IN SECTION 30-28-503, C.R.S.,  
3 WHOSE JURISDICTION EXTENDS TO THE AREA PROPOSED TO BE ANNEXED  
4 HAS CONSENTED TO THE ANNEXATION OF THE AREA IN ACCORDANCE WITH  
5 SECTION 30-28-505 (1) (a), C.R.S.

6           **SECTION 5. Effective date - applicability.** (1) This act shall  
7 take effect October 1, 2001, unless a referendum petition is filed during  
8 the ninety-day period after final adjournment of the general assembly that  
9 is allowed for submitting a referendum petition pursuant to article V,  
10 section 1 (3) of the state constitution. If such a referendum petition is  
11 filed against this act or an item, section, or part of this act within such  
12 period, then the act, item, section, or part, if approved by the people, shall  
13 take effect on the date of the official declaration of the vote thereon by  
14 proclamation of the governor.

15           (2) The provisions of this act shall apply to any acts covered by its  
16 provisions undertaken on or after the applicable effective date of this act.