

# American Planning Association

Legislative Update

March 19, 2006

| BILL# | SPONSORS | TITLE | BILL NARRATIVE | HISTORY | NEXT STEPS |
|-------|----------|-------|----------------|---------|------------|
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\* = AMENDED STRIKETHROUGH = KILLED

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|---------------------------|--------|------------------------------------|---|---|---------|
| <a href="#">HB06-1053</a> | Pommer | Colorado Planning Act              | Requires each local government in the state to prepare, adopt, and update a master plan that satisfies the requirements of the act based upon a timetable specified in the act.   | 01/11/2006 Introduced In House - Assigned to Local Government<br>01/31/2006 House Committee on Local Government Pass Amended to House Committee of the Whole<br>02/10/2006 House Second Reading Laid Over<br>02/14/2006 House Second Reading Laid Over<br>02/15/2006 House Second Reading Passed with Amendments<br>02/16/2006 House Third Reading Laid Over Daily<br>02/17/2006 House Third Reading Laid Over Daily<br>02/20/2006 House Third Reading Passed<br>02/21/2006 Introduced In Senate - Assigned to Local Government |         |
| <a href="#">HB06-1096</a> | Hefley | Eminent Domain & Special Districts | In the case of a special district that is organized pursuant to an organizational election in which less than a specified number of eligible electors have voted, prohibits such district from having and exercising the power of eminent domain or dominant eminent domain unless the following conditions have been satisfied:<br>After the organizational election, at least 2 regular special district elections have been held within the district at which the position of director of the board of the special district has been on the ballot; and<br>Not less than a specified number of eligible electors have cast ballots in each of 2 consecutive regular special district elections satisfying the requirements of the act. | 01/13/2006 Introduced In House - Assigned to State, Veterans, & Military Affairs<br>02/07/2006 House Committee on State, Veterans, & Military Affairs Lay Over Amended<br>03/14/2006 House Committee on State, Veterans, & Military Affairs Pass Amended to House Committee of the Whole  | Monitor |

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| <a href="#">HB06-1099</a> | Gardner Brophy | Limit Eminent Domain Pub Entities | Prohibits the state or any political subdivision from exercising the power of eminent domain, or allowing the exercise of such power by any person or entity to whom it has delegated the power, except where the exercise of the power is for a public use as defined in the act. Defines the term "public use" to mean a use of the power of eminent domain consistent with state constitutional requirements as interpreted by judicial case law, except to the extent that case law permits the exercise of the power of eminent domain:<br>Primarily for the purpose of upgrading the beneficial uses of the property at issue by creating jobs, generating tax revenue, attracting new commerce, improving the aesthetics or appearance of the environment surrounding the property, or creating leisure and recreational opportunities in the context of retail, office, commercial, or residential development; and<br>In order to promote and further such development, ownership, a leasehold, or other interest in the property at issue that would be transferred to a private party, a nongovernmental entity, a public-private partnership, or a corporation or other form of business entity.<br>Makes legislative findings and declarations. Makes a conforming amendment. Defines an additional term. | 01/13/2006 Introduced In House - Assigned to State, Veterans, & Military Affairs<br>02/07/2006 House Committee on State, Veterans, & Military Affairs Lay Over Amended<br>03/14/2006 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely   |  |
| <a href="#">SB06-074</a>  | Shaffer        | Enforce County Codes & Land Use   | In connection with the enforcement of requirements arising under county zoning and building codes:<br>Shortens the time within which a potential violator of county zoning or building code requirements is able to cure a violation before a summons and complaint is issued to the violator.   | 01/11/2006 Introduced In Senate - Assigned to Local Government<br>01/26/2006 Senate Committee on Local Government Pass Amended to Senate Committee of the Whole<br>02/02/2006 Senate Second Reading Laid Over<br>02/03/2006 Senate Second Reading Laid Over with Amendments to 02/06/2006<br>02/06/2006 Senate Second Reading |  |

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|                           |                |   |   | Passed with Amendments<br>02/07/2006 Introduced In House - Assigned to Local Government<br>02/07/2006 Senate Third Reading Passed<br>03/07/2006 House Committee on Local Government Pass Unamended to House Committee of the Whole<br>03/10/2006 House Second Reading Special Order - Passed<br>03/10/2006 House Third Reading Passed  |            |
| <a href="#">SB06-078</a>  | Wiens<br>Isgar | Prohib Em Domain For Private Toll Roads | <b>Transportation Legislation Review Committee.</b> Specifies that a private corporation formed for the purpose of constructing a private toll road or toll highway shall not have the power to use eminent domain to acquire rights-of-way for the toll road or toll highway, but that a corporation may enter into an agreement with a public entity to enable the construction of a private toll road or private toll highway. | 01/16/2006 Introduced In Senate - Assigned to Transportation<br>01/19/2006 Senate Committee on Transportation Pass Unamended to Senate Committee of the Whole<br>01/24/2006 Senate Second Reading Laid Over<br>01/27/2006 Senate Second Reading Passed with Amendments<br>01/30/2006 Senate Third Reading Laid Over<br>01/31/2006 Introduced In House - Assigned to Transportation & Energy<br>01/31/2006 Senate Third Reading Passed<br>03/09/2006 House Committee on Transportation & Energy Pass Unamended to House Committee of the Whole<br>03/13/2006 House Second Reading Passed<br>03/14/2006 House Third Reading Passed | Support    |
| <a href="#">HB06-1116</a> | Green<br>Tupa  | Prohibit Diverting Traffic To Toll Road | Prohibits the department of transportation (department) or an entity joining in a private-public initiative with the department from entering into any agreement with a city, county, or city and county to divert traffic onto a turnpike from a county road or city street. Prohibits the department from taking any action to divert traffic onto a turnpike from a state highway for which no toll is charged.                | 01/16/2006 Introduced In House - Assigned to Transportation & Energy<br>02/08/2006 House Committee on Transportation & Energy Postpone Indefinitely  |            |

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| <a href="#">SB06-115</a>  | Takis Larson      | Local Governments & Private Toll Roads | Requires a corporation formed for the purpose of constructing a toll road or toll highway to file with the county clerk and recorder of each county through which any portion of the proposed toll road or toll highway will pass and update as changes necessitate a map or survey of the proposed route of the toll road or toll highway and to include with the map or survey a statement of the proposed route of the toll road or toll highway, within 3 miles, and a listing of all property over or across which the proposed toll road or toll highway will be constructed.<br>Requires a corporation to obtain the consent of the appropriate municipal or county authorities before constructing a private toll road or toll highway through, in, upon, under, or over any street or alley of any city, incorporated town, county, or city and county. Subject to specified limitations, allows a political subdivision to levy a tax, fee, or charge for any right or privilege of constructing or operating a private toll road or toll highway. In any controversy concerning the appropriateness of a fee or charge, requires the political subdivision to prove that the fee or charge is no greater than necessary to defray the direct impacts or costs incurred by the political subdivision. | 01/25/2006 Introduced In Senate - Assigned to Transportation<br>02/16/2006 Senate Committee on Transportation Pass Amended to Senate Committee of the Whole<br>02/21/2006 Senate Second Reading Passed with Amendments<br>02/22/2006 Senate Third Reading Passed<br>02/23/2006 Introduced In House - Assigned to Transportation & Energy<br>03/09/2006 House Committee on Transportation & Energy Pass Unamended to House Committee of the Whole<br>03/17/2006 House Second Reading Laid Over |            |
| <a href="#">HB06-1003</a> | Pommer Williams   | Requirements For Private Toll Roads    | <b>Transportation Legislation Review Committee.</b> Requires a corporation formed for the purposes of constructing a private toll road or toll highway (corporation) to: (See Bill)   | 01/11/2006 Introduced In House - Assigned to Transportation & Energy  |            |
| <a href="#">HB06-1206</a> | Lindstrom         | No Junk Bonds For Toll Roads           | Requires the statewide tolling enterprise (enterprise) to include in its annual report to the general assembly a summary of actual revenue and traffic counts on toll highways compared to forecasts contained in any debt financing documents of the enterprise and the current credit ratings of all outstanding enterprise debt. Prohibits the enterprise from issuing any bonds or other debt instruments that are rated as junk. Before issuing any new bonds or other debt instruments, requires the enterprise to present evidence of the credit ratings of the bonds or other debt instruments at a regularly scheduled meeting of the transportation commission.   | 01/27/2006 Introduced In House - Assigned to Finance<br>02/16/2006 House Committee on Finance Postpone Indefinitely   |            |
| <a href="#">HB06-1208</a> | Lundberg Mitchell | Compensation For Eminent Domain        | In any case in which private property has been taken by condemnation, in addition to any compensation that the property owner shall be awarded for the loss of the owner's property under existing law,   | 01/27/2006 Introduced In House - Assigned to State, Veterans, & Military Affairs  | Oppose     |

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|                           |                  |                                     | requires the property owner also to be awarded an additional and special amount of compensation for the violation of the property owner's private property rights and for any additional costs and damages incurred by the property owner resulting from the condemnation. Specifies that the additional compensation to be awarded pursuant to the act shall be a specified percentage of the fair market value of the property taken. Specifies that the compensation authorized to be awarded pursuant to the act may be awarded in the sole discretion of the board of commissioners or members of a jury, as applicable. Specifies certain factors the board or jury, as applicable, is to consider in determining the amount of special compensation to be awarded pursuant to the act. | 02/07/2006 House Committee on State, Veterans, & Military Affairs Lay Over Unamended<br>03/14/2006 House Committee on State, Veterans, & Military Affairs Refer Amended to Appropriations   |  |
| <a href="#">HB06-1233</a> | Carroll T. Tapia | Suppl Approp Dept Of Transportation | Makes a supplemental appropriation to the department of transportation.   | 01/31/2006 Introduced In House - Assigned to Appropriations<br>01/31/2006 Introduced In House - Assigned to Appropriations<br>02/03/2006 House Committee on Appropriations Pass Unamended to House Committee of the Whole<br>02/07/2006 House Second Reading Laid Over<br>02/08/2006 House Second Reading Passed<br>02/09/2006 House Third Reading Passed<br>02/13/2006 Introduced In Senate - Assigned to Appropriations<br>02/13/2006 Introduced In Senate - Assigned to Appropriations<br>02/15/2006 Senate Committee on Appropriations Pass Unamended to Senate Committee of the Whole<br>02/17/2006 Senate Second Reading Passed<br>02/20/2006 Senate Third Reading Passed<br>02/27/2006 Signed by the Speaker of the House<br>02/28/2006 Signed by the President of |  |

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|                          |               |                             |   | the Senate<br>02/28/2006 Sent to the Governor<br>03/08/2006 Governor Action - Signed   |                       |
| <a href="#">SB06-154</a> | May R. Pommer | Clarify Eminent Domain Laws | Without making any substantive changes to the law of eminent domain, cross-references in a single statutory section various statutory provisions that pertain to the power of eminent domain in order to help Coloradans to more easily determine whether any given governmental entity, corporation, or person may exercise the power of eminent domain and identify the procedural requirements that the entity, corporation, or person must follow in exercising the power of eminent domain.  | 01/30/2006 Introduced In Senate - Assigned to State, Veterans & Military Affairs<br>02/20/2006 Senate Committee on State, Veterans & Military Affairs Pass Unamended to Senate Committee of the Whole<br>02/23/2006 Senate Second Reading Passed<br>02/24/2006 Senate Third Reading Passed<br>02/27/2006 Introduced In House - Assigned to State, Veterans, & Military Affairs<br>03/14/2006 House Committee on State, Veterans, & Military Affairs Pass Amended to House Committee of the Whole |                       |
| <a href="#">SB06-169</a> | Tochtrop      | Urban Renewal               | Eliminates blight as a condition permitting the establishment of an urban renewal authority or the approval of an urban renewal plan. Except in limited circumstances, prohibits an urban renewal area from including any property, or any portion of the property, that does not satisfy the statutory definition of "slum". Eliminates considerations of the interests of the public morals or welfare of the residents of the municipality, as contrasted with considerations of public health and safety, in determining whether to establish an urban renewal authority. | 01/30/2006 Introduced In Senate - Assigned to State, Veterans & Military Affairs   | Oppose unless amended |
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