

American Planning Association

Legislative Update

January 29, 2006

BILL #	SPONSORS	TITLE	BILL NARRATIVE	HISTORY	NEXT STEPS
HB06-1053	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	Local Government Committee Hearing 2:00 PM in room 0112
HB06-1059	Riesberg Williams	FPPA Plan Structure	Police Officers' and Firefighters' Pension Reform Commission. Specifies that moneys held in a volunteer firefighter pension fund are held in trust for the exclusive use and benefit of members and other beneficiaries.	01/11/2006 Introduced In House - Assigned to Local Government 01/24/2006 House Committee on Local Government Pass Unamended to House Committee of the Whole 01/27/2006 House Second Reading Passed	
HB06-1096	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: 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 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	
HB06-1099	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: 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	01/13/2006 Introduced In House - Assigned to State, Veterans, & Military Affairs	

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			opportunities in the context of retail, office, commercial, or residential development; and 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. Makes legislative findings and declarations. Makes a conforming amendment. Defines an additional term.		
SB06-074	Shaffer	Enforce County Codes & Land Use	In connection with the enforcement of requirements arising under county zoning and building codes: 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 01/26/2006 Senate Committee on Local Government Pass Amended to Senate Committee of the Whole	
SB06-078	Wiens Isgar	Prohib Em Domain For Private Toll Roads	Transportation Legislation Review Committee. 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 01/19/2006 Senate Committee on Transportation Pass Unamended to Senate Committee of the Whole 01/24/2006 Senate Second Reading Laid Over 01/27/2006 Senate Second Reading Passed with Amendments	
HB06-1116	Green 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	

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SB06-115	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. 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	
HB06-1003	Pommer Williams	Requirements For Private Toll Roads	Transportation Legislation Review Committee. 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	
HB06-1206	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	
HB06-1208	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	

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			<p>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.</p>		
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