

Colorado Legislative

ENVIRONMENTAL SCORECARD



2001

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Know the Score!

Colorado's state legislature makes decisions that greatly affect the environment, health, and quality of life of all citizens of our state. These impacts can be positive or negative, and frequently it is difficult for citizens to find out how their representatives voted on these critical issues when they come before the legislature. This scorecard is intended as a convenient summary of how each member of the legislature performed on these issues during the 2001 legislative session, which ended in May 2001. The first special session on growth followed immediately and ended with no votes we felt we could score. The second special session on growth will begin on September 20. Should any actions take place we can score, we will publish a revised scorecard on the web site and change each individual legislators score to reflect the special session. The web site is www.lcv.org/scorecards/colorado.

This scorecard provides nonpartisan, factual information on how each member of the legislature voted on a range of environmental issues. To compile it, the Colorado Conservation Voters Action Fund (CCVAF) asked the respected experts listed on the opposite page to help select the most important natural resource and public health votes of the year. The scorecard only includes those House and Senate votes on which the environmental community clearly communicated its position to legislators, and, except in rare circumstances, excludes non-controversial, consensus votes. This year we have included one near-consensus vote because of the importance of the legislation involved.

To use the information, read the short description of each vote that was scored, as well as the overview of the session that begins on the next page. Then check on each member of the Legislature in the chart that begins on page 12. They are organized alphabetically, with their district numbers next to their names.

Special thanks to Andy Schultheiss, Ann Livingston, Elise Jones, Jo Evans, and Susan LeFever for their hard work in preparing this document.

2001 LEGISLATIVE SESSION OVERVIEW

The 2001 Legislature will be remembered more for the legislation that did not get passed than what was enacted. Despite the introduction of more than 48 growth related bills and a special session, the legislature failed to pass any significant growth legislation, be it on land use planning, sprawl reduction, affordable housing or transit funding. The Legislature also chose to bypass its opportunity to enact positive laws to study the problem of environmental justice, reduce the conflict of interest on the state oil and gas commission, and limit lawsuits designed to discourage public participation. Lawmakers were successful, however, in enacting pro-environment bills to free Division of Wildlife revenues from TABOR spending limitations, expand the tax credit available for open space easements, and maintain the water quality in Cherry Creek Reservoir.

Conservationists were also able to defeat legislative attempts to block the relocation of prairie dogs, increase predator control activities, weaken the ballot initiative process, and allow developers and polluters to sue and collect damages from the government for imposing environmental regulations. Unfortunately, the 2001 session also put into law several anti-environmental measures, including bills undermining local control and citizen input over utility siting decisions, impeding water rights for recreational uses, and condemning a national rulemaking process to protect the roadless areas of our national forests.

GROWTH

Reflecting the widespread citizen concern about sprawl, traffic jams and loss of open space, growth emerged as the top environmental issue in 2001, with consideration of three comprehensive growth management bills, as well as dozens of bills dealing with different pieces of the growth management puzzle. Despite this focus, the legislature failed to enact any significant growth bill in either the regular or special session. The battles centered around ensuring that a sufficient range of strong growth management tools passed and preventing the passage of developer perks that not only undermined provisions in proposed legislation, but also weakened the existing authority of local governments.

The environmental community supported strong growth management legislation that: a) required cities and counties to adopt binding and enforceable master plans that address key elements (e.g., environmental quality, transportation, land use designations, water and sanitation, affordable housing, and needed infrastructure); b) focused new development in or near existing urbanized areas rather than in open space and agricultural lands; c) promoted intergovernmental cooperation; d) required new development to pay its fair share of infrastructure costs; e) maintained or expanded the list of growth management tools available to local governments; f) protected existing environmental regulatory authority and citizen input; and g) did not tip the current balance of power away from local governments and residents in favor of developers.

The bill that most embodied these responsible growth principles was HB 1165, sponsored by Rep. Plant. This comprehensive growth bill called for enforceable master plans with a wide range of elements including environmental quality, transportation, and housing, as well as urban growth boundaries and policies for protecting rural lands outside of these boundaries. HB 1165 also preserved the existing authority of local governments and did not include any of the growth-forcing provisions favored by developers. However, the bill was defeated in its first committee.

KEY COMMITTEE VOTE: HB 1165 - Colorado Comprehensive Planning Act
The House Local Government Committee defeated HB 1165 on a vote of 6-5.
YES was the pro-environment vote.
YES: Plant, Ragsdale, Swenson, Veiga, Weddig
NO: Decker, Hoppe, Kester, Mace, Scott, Webster

Most of the growth debate centered around two comprehensive growth management bills. SB 148, sponsored by Sen. Perlmutter and Rep. Stengel, was based on the consensus position of a broad-based group of interests convened by the Colorado Forum. SB 148 passed out of the Senate, still a work in progress, containing strong limits on growth and significant flaws that limited local environmental controls over development applications. It was defeated in the House Local Government Committee on a party line vote, with all the Democrats voting in favor. HB1225, also introduced by Rep. Stengel and Sen. Perlmutter, passed through both the House and Senate, but the two chambers were unable to reconcile their very divergent versions and it, too, ultimately failed. Dubbed the "Developers' Bill of Rights" by its critics, HB 1225 as it passed out of the House, represented a serious step backwards in the fight against sprawl in Colorado. It contained provisions that forced even more growth, and undermined the existing authority of cities and counties to protect environmental quality. The Senate heavily amended HB 1225 to include provisions from both SB 148 and HB 1165. The final bill would have limited growth by requiring urban service areas and prohibiting urban level development in rural areas. However, it allowed development for recreation and tourism (such as ski area expansion) in rural lands, allowed funding of economic development in unincorporated areas, and gave unnecessary perks to oil and gas developers.

HB 1305, sponsored by Rep. Smith, adopted a more modest approach that focused solely on planning and avoided important but contentious sprawl-fighting provisions such as open space and agricultural land protection, intergovernmental cooperation, and making growth pay its own way. While the bill was silent about what could happen in rural areas (the principal issue in restricting sprawl) and only loosely defined urban level development, it nevertheless took positive steps forward in dealing with growth. Equally important, it took no steps backward.

In addition to the comprehensive land use bills, there were a number of other smaller bills that addressed specific facets of the growth issue. Rep. Vigil and Sen. Perlmutter sponsored HB1207, which was designed to give much-needed impact fee authority to all cities and counties to charge fees to new development to help cover the costs of the public infrastructure and services it uses, such as schools and roads. Unfortunately, HB 1207 was immediately defeated by the House Local Government Committee. Rep Rippy's HB 1159 would have facilitated revenue sharing among local jurisdictions as a way to reduce the competition for sales tax revenues that often fuels sprawl, but the bill died in the House Finance Committee. SB 31 (Sen. Tate & Rep. Alexander) would have helped address Colorado's affordable housing problem -- and the associated air pollution, traffic and decrease in quality of life caused by people being forced to commute farther to their jobs in order to afford appropriate housing -- by allowing governments to negotiate and contract with developers to provide affordable housing or rent-controlled housing as a condition of approving their development plan. However, the bill was defeated in the House State, Veterans and Military Affairs Committee by a 5-4 vote.

Three bills related to the growth issue were passed. On the positive side, HB 1090 (Rep. Spradley & Sen. Owen) expands and enhances the tax credit available for open space easements, making it more financially attractive to farmers and other

landowners. On the negative side, HB 1211 (Rep. Johnson & Sen. Matsunaka) weakens the existing law that encourages clustered housing and open space protection by decreasing the requirement of two houses per 35 acres with 66% contiguous protected open space to one house per 17.5 acres and no contiguity requirement. Additionally, playing upon the California energy crisis, the Legislature enacted HB 1195 (Rep. Smith & Sen. Hagedorn), which allows the Public Utilities Commission to trump local governments and their citizens on decisions about the siting of power plants and lines.

Certain legislators deserve special credit and thanks for their hard work on the growth issue: Rep. Plant for his sponsorship of HB 1165 and his tireless advocacy for smart growth proposals on the House floor and in the Local Government Committee; Rep. Grossman for his leadership and articulate words during House debates on growth; Rep. Smith for his persistence in pursuing the passage of bipartisan growth proposals; and Rep. Scott for his open-minded efforts in performing the challenging job of chairing the House Local Government Committee, which has jurisdiction over the growth issue. In the Senate, Sens. Gordon, Thiebaut, Phillips, Linkhart, Tupa and Pascoe deserve special thanks for their vigilance in advocating for pro-environment amendments to the major growth bills; and Sen. Perlmutter earned recognition for putting in more hours on the growth issue than virtually any other legislator. The environmental community waged a major, unfortunately unsuccessful, battle in the House to correct HB1225. We would like to thank the following legislators for carrying pro environment amendments in the House: Reps. Boyd, Grossman, Jahn, Jameson, Mace, Madden, Marshall, Plant, Sanchez, Scott, Smith, Witwer, and Vigil.

ENVIRONMENTAL HEALTH AND JUSTICE

Communities of color and other low income communities bear greater health and environmental risk burdens than the society at large. Evidence indicates that the absence of environmental justice concerns in environmental policy results in the improper siting of landfills, incinerators and hazardous waste facilities, and other threats that disproportionately impact these communities. HR1087, sponsored by Rep. Sanchez, would have directed state administrative agencies to promote environmental justice, defined as the fair treatment of people of all races, cultures, and incomes with respect to environmental laws and policies.

KEY COMMITTEE VOTE: HB1087 – Environmental Justice

The House State Affairs Committee voted to postpone indefinitely HB 1087 on a vote of 5-4.

NO was the pro-environment vote.

NO: Daniel, Garcia, Grossman, Weddig

YES: Cadman, Crane, Schultheis, Nunez, Sinclair

Concerns about the health and environmental effects of genetic engineering (GE) led to introduction of a "right-to-know" bill that would have required that GE foods be labeled in grocery stores, with penalties for deliberately misbranding them. SB146 (Senator Tupa) died in committee after opposition from the Colorado Department of Agriculture, Colorado Petroleum Association, Colorado Farm Bureau, Grocery Manufacturers and the Colorado Cattlemen's Assn.

KEY COMMITTEE VOTE: SB146 – Labeling Genetically Engineered Food

The Senate Business, Labor and Finance Committee defeated SB146 on a vote of 4-3. The vote was on a motion to postpone indefinitely SB146.

NO was the pro-environment vote

NO: Phillips, Takis, Fitz-Gerald

YES: Lamborn, McElhany, Nichol, Taylor

TRANSPORTATION

While we always have money for highways, Colorado is one of only five states that does not provide state funding for alternative transit. HB1329 (Rep. Madden & Sen. Fitz-Gerald) would have put on the ballot a proposal to earmark some of the budget surplus for rail, bus, bike, pedestrian and high occupancy vehicle lane projects. In spite of broad support from RTD, and many cities, the House Appropriations Committee voted to defeat the bill.

KEY COMMITTEE VOTE: HB1329 – Multi-modal Transportation Funding

The House Appropriations Committee defeated HB1329 on a vote of 7-6. The vote was on a motion to postpone indefinitely the bill.

NO was the pro-environment vote

NO: Lawrence, Madden, Plant, Saliman, Tapia, Vigil

YES: Lee, Nunez, Paschall, Scott, Stengel, Berry, Young

OIL AND GAS

The Colorado Oil & Gas Conservation Commission (COGCC) is the state agency responsible for regulating the oil and gas industry. Among its other powers, it decides how many wells can be drilled in a given area. Current law allows five of the seven governor-appointed members of the COGCC to work for the industry while they serve on this board. As introduced, SB103 (Sen. Dyer, Durango & Rep. Rippy) would have helped to address this conflict of interest by prohibiting industry employees from serving on the Commission. The Senate Committee on Agriculture and Natural Resources amended the bill to allow four of the seven members to work for the industry, fewer than the current law, but still a majority. In light of that amendment the environmental community no longer supported the bill.

KEY COMMITTEE VOTE: SB103 – Oil and Gas Conservation Commission

The Senate Agriculture and Natural Resources Committee voted to amend the bill
NO was the pro-environment vote

NO: Gordon

YES: Dennis, Hagedorn, Hillman, Musgrave, Phillips, Hanna, Dyer (Durango)

AFFORDABLE HOUSING

Colorado's limited availability of affordable housing has direct impacts on our transportation systems, as people often must live far from where they work. Not only does this burden our highways, it adds to transportation related pollution, increases transportation costs, and reduces quality of life. SB031 (Sen. Tate & Rep Alexander) would have allowed governments to require developers to provide affordable housing or rent-controlled housing as a condition of approving their development plans. The agreements would not have been mandated, but would have given local governments a new tool to use in solving housing needs. The bill was defeated in the House Committee on State, Veterans and Military Affairs by a 5-4 vote.

KEY COMMITTEE VOTE: SB031 – Privately Owned Rent-Controlled Housing
The House Committee on State, Veterans and Military Affairs defeated the bill by a 5-4 vote.

YES was the pro-environment vote

YES: Daniel, Garcia, Grossman, Weddig

NO: Cadman, Crane, Schultheis, Nunez, Sinclair

WILDLIFE

Wildlife issues fared well this legislative session. Division of Wildlife revenues were freed from the spending limitations of the Taxpayer Bill of Rights (TABOR), additional restrictions on prairie dog relocation failed, and a measure to mismanage predators lost. HB1233 appropriated \$365,000 from wildlife cash for the DOW to conduct the first year of a predator (coyote) management study. The study had no provisions for gathering any baseline data. The entire study was estimated to take 8-10 years, and to cost \$2.6 - \$3 million. Similar studies in other western states have been inconclusive. Without appropriate scientific controls, it made little sense to spend almost \$3million dollars of wildlife cash funds to achieve inconclusive results.

KEY COMMITTEE VOTE: HB1233 - Predator Management Study

HB 1233 was killed in House Appropriations.

NO was the pro-environmental vote

YES: Reps. Stengel and Young

NO: Reps. Berry, Lawrence, Lee, Madden, Paschall, Plant, Saliman, Scott, Tapia, and Vigil.

WATER

Much of the water legislation was pro forma. On the major issues, results are mixed. Conservationists succeeded on a water quality measure, but sustained a major loss on recreational in-channel diversions. The legislature also passed a pilot water banking proposal which we hope will provide data for expanded use of interruptible supply.

INITIATIVE PROCESS

Several attempts were made to weaken the initiative process and were defeated. HB1198 required all petition circulators to live in the area where the petition was circulated. HCR1001 required that signatures for ballot initiatives be gathered proportionately in each congressional district. HCR1004 required that changes to the constitution receive 60% of the vote in order to pass. SCR001 required that the legislature consider every proposed initiative before proponents could begin gathering signatures. The legislature could approve or deny the proposal. If they approved the proposal, the measure could NOT be placed on the ballot. It could also be amended, or "fixed" by the legislature at any time. If the legislature denied the proposal, signatures could be gathered to put the measure on the ballot.

SCORED VOTE DESCRIPTIONS

SB216 Recreational Flow Rights (*House Vote #1, Senate Vote #1*)

Colorado water law permits water to be kept in the stream for recreational or environmental purposes (in-channel diversions). SB216, sponsored by Sen. Entz and Rep. Spradley, makes these rights much harder to obtain and limits who can hold the rights. Under existing law, individuals may put water to beneficial use through the use of recreational, in-channel diversions. Under SB216, only local governments and water districts may hold in-channel diversion rights, conditional rights may not be converted to recreational rights, and applicants must seek CWCB approval. Thus, recreational rights become second class water rights. All other water rights applications go to water court. The court impartially determines whether the water use is legal, reasonable, and will not harm any other water right. SB216 requires that recreational water rights applicants go before the CWCB, pass a different set of standards and secure the CWCB's approval. The CWCB's ruling is rebuttable in water court, but the court must apply the rules the board creates. Recreational water rights are completely nonconsumptive and are a necessary and legitimate component of our water rights system. The Senate amended the bill to grandfather in applications, that are already pending in Water Court, but the bill remains fatally flawed. Unfortunately it passed on the final day of the session and was signed into law by the governor. NO was the pro-environment vote.

SB66: Increased Protections for Water Quality in Cherry Creek Reservoir

(*House Vote #2, Senate Vote #2*)

The Cherry Creek Basin Water Quality Authority was created to protect and maintain the water quality in Cherry Creek Reservoir. Unfortunately, the Authority has spent more time and money attempting to relax the standards than to enforce them. Statutory changes were necessary to ensure that the water in Cherry Creek will not be further degraded. SB66, sponsored by Sen. Gordon and Rep. Clapp, balances representation on the Authority by including user group representatives appointed by the Governor, and by reducing the number of representatives from sewage treatment plants. The bill also requires the Authority to spend a minimum of 60% of its annual budget on construction and maintenance of Pollution Control Devices, and prohibits the Authority from spending its revenues to further relax the water quality standards in Cherry Creek Reservoir. Further, the authority must submit a plan for water quality maintenance to the Water Quality Control Commission within one year. The bill was signed into law by the governor. YES was the pro-environment vote.

HB1012: Enterprise Status for Division Of Wildlife (DOW)

(*House Vote #3, Senate Vote #3*)

TABOR (the Taxpayers' Bill of Rights) artificially constrains all government spending. Under HB1012, introduced by Rep. Stengel and Sen. Dyer, Division of Wildlife (DOW) revenues will not be subject to the spending limitations of TABOR. Colorado currently is experiencing an alarming loss of wildlife habitat and strained wildlife management capabilities, but even if sufficient money could be found to meet the habitat needs, the division would be unable to spend it. HB1012 makes the Division a government owned business, exempt from the spending limitations of TABOR. Critically, HB1012 also specifies that the DOW retains all existing statutory authority and responsibilities and that it may spend its dollars for all its programs, not merely those that generated the revenue. The bill was signed into law by the governor. YES was the pro-environment vote.

HB1195 Utility Siting (*House Vote #4, Senate Vote #4*)

HB1195, sponsored by Rep. Smith and Sen. Hagedorn, authorizes the Colorado Public Utilities Commission ("PUC") to overrule a local government siting, conditioning, or permitting decision on the construction or expansion of power plants, transmission lines or other utility facilities. The PUC may overturn 1041 regulations and local zoning laws. The PUC will be able to reach its own conclusions on the merits of local government decisions and need not focus on loss of open space, increased air pollution or any other environmental factors that the local government may have considered in its land use regulation. HB1195 allows local efforts and citizen input on such traditionally local government matters as siting, zoning, environmental impacts and mitigation, land use planning and project compatibility to be trumped by a regulatory commission. The bill allows the PUC to reverse a decision made by local government officials in the name of statewide need, without properly assessing if there truly is a statewide need for the project. While the bill was promoted as a means to protect Colorado from the energy problems currently troubling California, California's energy crisis was caused by a number of complicated factors. California's crunch was NOT caused by too much local government input. Local governments are in the best position to assess local impacts of a proposed facility, decide its appropriateness for the community, and suggest modifications. Elected local government officials should be afforded the deference they deserve when the PUC considers the local impacts of proposed projects. The bill passed and was signed into law by the governor. NO was the pro-environment vote.

HB 1150: SLAPP (*House Vote #5*)

SLAPP (Strategic Lawsuits Against Public Participation) suits are almost always frivolous suits filed against citizens who speak up on public issues in public forums. These suits are almost always thrown out of court, but the citizens involved are not necessarily winners. They have to contend with drawn out court battles, legal fees, stress and anxiety, and often think twice about future participation in the public process. HB1150, sponsored by Rep. Sinclair & Sen. Dyer, would have made it more difficult for citizens to be sued for participating in the public process, by putting the burden of proof on the SLAPP filer, and allowing the subject of a SLAPP suit to recover damages and attorney fees. The bill was defeated on the House Floor on a 32-32 vote. YES was the pro-environment vote.

HR 1010: Roadless Area Protection (*House Vote #6*)

Rep. Miller sponsored a non-binding House resolution, HR 1010, opposing the federal Roadless Area Rule adopted by the Clinton Administration, which would have prohibited roadbuilding, energy and mineral extraction, and most logging on 4.4 million acres of pristine roadless areas in Colorado's national forests. Despite the fact that 28,000 Coloradans submitted public comments on the rule, more than 90% of which were supportive, HR 1010 passed the House on a vote of 48 to 15. NO was the pro-environment vote.

HB1350: Prairie Dog Conservation (*House Vote #7*)

The much-maligned prairie dog is actually an important component of prairie ecosystems. Other species are dependent on prairie dogs for food. Prairie dog colonies provide shelter for different species and improve the nutrient content of vegetation essential to the survival of numerous short grass prairie species. The alarming decline in numbers of black tailed prairie dogs has prompted consideration of listing the species as endangered. This bill, sponsored by Rep. Webster and Sen. Hillman, would have made the arduous task of relocating prairie dogs virtually impossible. Components of the bill: If an adjacent landowner felt that relocated prairie dogs were a nuisance, the county would have had to notify the landown-

er housing the prairie dogs and require abatement of the nuisance. If the landowner did not abate the nuisance, the county would have had to do so and would have billed the landowner. If the landowner did not pay the bill, the county would have placed a tax lien on the property to be paid with the property tax bill. The bill passed the House but was defeated in the Senate. NO was the pro-environment vote.

HB1305: Land Use Planning *(House Vote #8)*

HB 1305, sponsored by Rep. Smith, adopted a more modest approach to fighting sprawl that focused solely on planning and avoided important but contentious sprawl-fighting provisions such as open space and agricultural land protection, intergovernmental cooperation, and making growth pay its own way. It required every city and county over a threshold size to adopt a master plan and regulations to implement the plan. The plans would have had to address land use, water, environmental quality (including wildlife habitat and declining species) urban service areas, essential services, and transportation. Urban level development could have occurred only in designated areas, which had to be contiguous with existing urbanized areas. While the bill was silent about what could happen in rural areas (the principal issue in restricting sprawl) and only loosely defined urban level development, it nevertheless took positive steps forward in dealing with growth. Equally important, it took no steps backward. But it was passed out of the House very close to the end of the session and was not heard in the Senate. YES was the pro-environment vote.

HB 1225: Growth Management *(House Vote #9)*

Drafted by development interests, HB 1225 (Rep. Stengel & Sen. Perlmutter) quickly became nicknamed the "Developers' Bill of Rights" due to its many provisions that facilitated or forced additional building while limiting the ability of local governments and citizens to shape development in their communities. Despite broad opposition from cities, planners, environmentalists, businesses, and others, HB 1225 passed the House on a vote of 40 to 25. It was significantly amended in the Senate and then died in conference committee. NO was the pro-environment vote.

HB 1225 Amendment: Land Market Monitoring *(House Vote #10)*

One of the many pro-developer provisions in HB 1225 was a burdensome and costly section forcing local communities to continuously inventory their housing stock and approve additional development if it dipped below certain levels. Sponsored by Rep. Smith, the amendment to delete this provision passed on the House floor by a vote of 33 to 31. YES was the pro-environment vote.

HB 1225 Amendment: Presumption of Buildability *(House Vote #11)*

During the floor debate on HB 1225, Rep. Plant offered an amendment to strip out one of the most pro-development provisions in the bill. Referred to as "presumption of buildability," this provision would have undermined the authority of local governments and their citizenry to plan for growth by mandating statewide fast-track timelines by which to process development applications. It also impeded a community's ability to set conditions on development projects to protect the environment and ensure compatibility with community values. The amendment to delete this section failed on the House floor by a vote of 27 to 37. YES was the pro-environment vote.

HB 1225 Amendment: Impact Fees *(House Vote #12)*

Currently, only home rule cities have authority, albeit limited, to charge impact fees on new construction to help pay for the infrastructure and services the new

development will use, such as schools and roads. Rep. Vigil offered an amendment to HB 1225 to extend and expand that authority to all cities and counties as a way to help make growth pay its way and limit the tax burden on local governments and existing residents. The amendment was rejected on the House floor by a vote of 39 to 25. YES was the pro-environment vote.

HB 1225 Amendment: Compensation For Open Space (*Senate Vote #5*)

This proposed amendment to HB 1225, offered by Sen. Hillman, would have required local governments to pay land owners full compensation for land designated as "conservation and open space." Such a requirement not only ignores the fact that designation as open space in a comprehensive plan is not the same as a rezoning of the land (where the use is actually determined and even then it is by nature not a permanent designation), but also limits the options currently available to local governments, such as negotiating a conservation easement with a landowner. Under this amendment local governments would have had to pay upon the designation as if the land were being purchased for park purposes, but there is no language that requires that the public even be allowed access to the land. This amendment was defeated on a vote of 18-17. NO was the pro-environment vote.

SB 148 Amendment: Presumption of Buildability (*Senate Vote #6*)

Sen. Gordon's amendment to SB 148 created additional predictability for those wishing to develop land without tipping the balance in favor of developers over communities. Local governments would have been bound by the requirements set forth in the comprehensive plan of the community, thus providing predictability for developers and communities without taking the harmful steps of limiting the ability of local governments to regulate development. The amendment failed on a vote of 13 to 22. YES was the pro-environment vote.

SB 148 Amendment: Presumption of Buildability II (*Senate Vote #7*)

This amendment to SB 148 by Sen. McElhany would have severely limited the existing ability of local governments to regulate development as well as the ability of communities to participate in decisions regarding development applications. The amendment would have set up statewide timelines for the review of development applications regardless of local conditions, dictated densities in certain situations, prohibited a level of service requirements in urbanized areas (traffic, police response times, classroom sizes, etc.), and limited the existing impact fee authority of local governments (used to make growth pay its own way). Further, it would have prohibited environmental considerations and created a legal presumption in favor of developers over local governments, thus tipping the balance in favor of developers over communities and local governments. This amendment was defeated on a vote of 18-17. NO was the pro-environment vote.

SB 148 Amendment: Growth-forcing Urban Service Areas

(*Senate Vote #8*)

Another Sen. McElhany amendment to SB 148 would have replaced the strong urban service areas and contiguity requirements in the bill with growth-forcing "urban service areas." Under the amendment urban service areas were required to contain at least 115 to 125 % of the land needed for 20 years of growth with no density requirements and no upper limit on the size of the area. This area was to be continually expanded outward and could have overlapped with the urban service area of another jurisdiction, creating a race to develop land in outlying areas. This amendment was defeated on a vote of 18-17. NO was the pro-environment vote.

2001 Senate Votes

KEY	
+	Pro-environment action
-	Anti-environment action
E	Excused
NA	Not Applicable
<i>Italics</i>	In State House

	District	2001 Score	2000 Score	1999 Score	1998 Score	SB 216: Recreational Flow Rights	SB 66: Cherry Creek Reservoir	HB 1012: Division of Wildlife Enterprise	HB 1195: Utility Siting	HB 1225: Compensation for Open Space	SB 148: Presumption of Buildability II	SB 148: Presumption of Buildability	SB 148: Urban Service Areas
		%	%	%	%	1	2	3	4	5	6	7	8
Anderson, Norma (R)	SD 22	25	40	11	40	-	+	+	-	-	-	-	-
Andrews, John (R)	SD 27	13	20	11	NA	-	-	+	-	-	-	-	-
Arnold, Ken (R)	SD 23	13	20	11	18	-	-	+	-	-	-	-	-
Cairns, Bruce (R)	SD 28	0	NA	NA	NA	-	-	-	-	-	-	-	-
Chlouber, Ken (R)	SD 4	13	30	11	45	-	-	+	-	-	-	-	-
Dennis, Gigi (R)	SD 5	33	50	33	45	NA	+	+	-	NA	-	-	-
Dyer, Jim E. (D)	SD 6	88	70	25	70	+	+	+	-	+	+	+	+
Dyer, Jim F. (R)	SD 26	38	NA	NA	NA	+	+	+	-	-	-	-	-
Entz, Lewis (R)	SD 5	50	NA	NA	NA	+	NA	NA	NA	-	NA	NA	NA
Epps, Mary Ellen (R)	SD 11	0	30	0	40	-	-	-	-	-	-	-	-
Evans, John (R)	SD 30	0	50	33	NA	-	-	-	-	-	-	-	-
Fitz-Gerald, Joan (D)	SD 13	63	NA	NA	NA	+	+	-	-	+	-	+	+
Gordon, Ken (D)	SD 35	88	<i>100</i>	<i>100</i>	<i>100</i>	+	+	+	-	+	+	+	+
Hagedorn, Bob (D)	SD 29	57	75	56	70	-	+	E	-	+	-	+	+
Hanna, Deanna (D)	SD 21	75	NA	NA	NA	-	+	+	-	+	+	+	+
Hernandez, Rob (D)	SD 34	88	90	89	100	+	+	+	-	+	+	+	+
Hillman, Mark (R)	SD 2	13	30	11	NA	-	-	+	-	-	-	-	-
Lamborn, Doug (R)	SD 9	0	20	11	NA	-	-	-	-	-	-	-	-
Linkhart, Doug (D)	SD 31	86	90	100	100	+	+	E	-	+	+	+	+
Matsunaka, Stan (D)	SD 15	63	88	75	73	-	+	+	-	+	-	+	+
May, Ron (R)	SD 10	0	<i>17</i>	<i>11</i>	<i>40</i>	-	-	-	-	-	-	-	-
McElhany, Andy (R)	SD 12	13	<i>25</i>	<i>13</i>	<i>30</i>	-	+	-	-	-	-	-	-
Musgrave, Marilyn (R)	SD 1	13	40	11	30	-	+	-	-	-	-	-	-
Nichol, Alice (D)	SD 24	50	70	56	80	-	+	-	-	+	-	+	+
Owen, David (R)	SD 16	0	40	11	57	-	E	-	-	-	-	-	-
Pascoe, Pat (D)	SD 32	75	90	100	91	-	+	+	-	+	+	+	+
Perlmutter, Ed (D)	SD 20	63	90	89	100	-	+	+	-	+	-	+	+
Phillips, Terry (D)	SD 17	100	100	100	100	+	+	+	+	+	+	+	+
Reeves, Peggy (D)	SD 14	75	90	89	91	+	+	-	-	+	+	+	+
Takis, Stephanie (D)	SD 25	88	<i>100</i>	<i>100</i>	<i>90</i>	+	+	+	-	+	+	+	+
Tate, Penfield (D)	SD 33	75	<i>91</i>	<i>100</i>	<i>100</i>	+	+	-	-	+	+	+	+
Taylor, Jack (R)	SD 8	0	33	0	44	-	-	-	-	-	-	-	-
Teck, Ron (R)	SD 7	13	50	22	NA	-	-	+	-	-	-	-	-
Thiebaut, Bill (D)	SD 3	88	80	100	100	+	+	+	-	+	+	+	+
Tupa, Ron (D)	SD 18	100	<i>100</i>	<i>100</i>	<i>100</i>	+	+	+	+	+	+	+	+
Windels, Sue (D)	SD 19	75	<i>100</i>	<i>100</i>	<i>NA</i>	+	+	-	-	+	+	+	+

2001 House Votes

KEY
+ Pro-environment action
- Anti-environment action
E Excused

	District	2001 Score	2000 Score	1999 Score	1998 Score	SB 216: Recreational Flow Rights	SB 66: Cherry Creek Reservoir	HB 1012: Divison of Wildlife Enterprise	HB 1195: Utility Siting	HB 1150: Citizen Participation in Gov.	HR 1010: Roadless Areas	HB 1350: Prairie Dog Conservation	HB 1305: Land Use Planning	HB 1225: Growth Management	HB 1225: Land Market Monitoring	HB 1225: Presumption of Buildability	HB 1225: Impact Fees
		%	%	%	%	1	2	3	4	5	6	7	8	9	10	11	12
Alexander, Kay (R)	HD 58	33	33	11	60	-	+	+	-	-	-	-	+	-	+	-	-
Bacon, Bob (D)	HD 53	92	100	100	100	+	+	+	+	+	+	-	+	+	+	+	+
Berry, Gayle (R)	HD 55	33	50	33	60	-	+	+	-	-	-	-	+	-	+	-	-
Borodkin, Alice (D)	HD 10	67	NA	NA	NA	-	+	+	-	+	+	-	+	+	+	-	+
Boyd, Betty (D)	HD 26	67	NA	NA	NA	-	+	+	-	+	-	-	+	+	+	+	+
Cadman, Bill (R)	HD 15	0	NA	NA	NA	-	-	E	-	-	-	-	-	-	-	-	-
Chavez, Nolbert (D)	HD 5	75	100	100	100	-	E	E	-	E	+	E	+	+	+	+	+
Clapp, Lauri (R)	HD 37	17	25	11	NA	-	+	+	-	-	-	-	-	-	-	-	-
Cloer, Mark (R)	HD 17	33	NA	NA	NA	-	+	+	-	-	-	+	-	-	E	E	E
Coleman, Fran (D)	HD 1	58	100	100	NA	-	+	+	-	+	-	-	+	-	+	+	+
Crane, Bill (R)	HD 27	17	NA	NA	NA	-	+	+	-	-	-	-	-	-	-	-	-
Daniel, Kelly (D)	HD 23	67	NA	NA	NA	-	+	+	-	+	-	+	+	+	+	+	-
Dean, Doug (R)	HD 18	17	17	11	11	-	-	+	-	+	-	-	-	-	-	-	-
Decker, Richard (R)	HD 19	50	10	22	NA	+	+	+	+	+	-	-	+	-	-	-	-
Fairbank, Rob (R)	HD 30	25	25	11	NA	-	+	+	-	-	-	-	+	-	-	-	-
Fritz, Timothy (R)	HD 51	17	NA	NA	NA	-	+	+	-	-	-	-	-	-	-	-	-
Garcia, Michael (D)	HD 42	58	NA	NA	NA	-	+	+	-	-	-	-	+	+	+	+	+
Groff, Peter (D)	HD 7	83	NA	NA	NA	-	+	+	-	+	+	+	+	+	+	+	+
Grossman, Dan (D)	HD 6	100	100	89	100	+	+	+	+	+	+	+	+	+	+	+	+
Hefley, Lynn (R)	HD 20	25	18	13	33	-	+	+	-	+	-	-	-	-	-	-	-
Hodge, Mary (D)	HD 36	75	NA	NA	NA	-	+	+	-	+	-	+	+	+	+	+	+
Hoppe, Diane (R)	HD 65	0	33	11	NA	-	-	E	-	-	-	-	-	-	-	-	-
Jahn, Cheri (D)	HD 24	58	NA	NA	NA	-	+	+	-	-	-	-	+	+	+	+	+
Jameson, Brian (D)	HD 52	92	NA	NA	NA	+	+	+	+	-	+	+	+	+	+	+	+
Johnson, Steve (R)	HD 49	42	25	11	70	-	-	+	-	-	-	-	+	+	+	+	-
Kester, Kenneth (R)	HD 47	33	33	13	NA	-	+	+	-	-	-	-	+	-	+	-	-
King, Keith (R)	HD 21	18	25	11	NA	-	+	+	-	-	-	-	E	-	-	-	-
Larson, Mark (R)	HD 59	33	67	11	NA	-	+	+	-	-	-	-	+	-	+	-	-
Lawrence, Joyce (R)	HD 45	25	58	33	70	-	-	+	-	+	-	-	+	-	-	-	-
Lee, Don (R)	HD 28	25	17	11	NA	-	+	+	-	+	-	-	-	-	-	-	-
Mace, Frana (D)	HD 4	40	92	78	100	-	+	E	-	+	-	-	E	-	-	+	+
Madden, Alice (D)	HD 14	100	NA	NA	NA	+	+	+	+	+	+	+	+	+	+	+	+
Marshall, Rosemary (D)	HD 8	64	NA	NA	NA	-	+	+	-	+	-	-	E	+	+	+	+
Miller, Carl (D)	HD 61	17	42	56	70	-	-	+	-	+	-	-	-	-	-	-	-

2001 House Votes

		2001 Score	2000 Score	1999 Score	1998 Score	SB 216: Recreational Flow Rights	SB 66: Cherry Creek Reservoir	HB 1012: Divison of Wildlife Enterprise	HB 1195: Utility Siting	HB 1150: Citizen Participation in Gov.	HR 1010: Roadless Areas	HB 1350: Prairie Dog Conservation	HB 1305: Land Use Planning	HB 1225: Growth Management	HB 1225: Land Market Monitoring	HB 1225: Presumption of Buildability	HB 1225: Impact Fees
	District	%	%	%	%	1	2	3	4	5	6	7	8	9	10	11	12
Mitchell, Shawn (R)	HD 33	18	17	13	NA	-	+	+	-	-	E	-	-	-	-	-	-
Nunez, Joe (R)	HD 64	8	25	11	NA	-	-	+	-	-	-	-	-	-	-	-	-
Paschall, Mark (R)	HD 29	17	17	13	25	-	+	+	-	-	-	-	-	-	-	-	-
Plant, Tom (D)	HD 13	100	100	100	NA	+	+	+	+	+	+	+	+	+	+	+	+
Ragsdale, Ann (D)	HD 35	58	100	89	NA	-	-	+	-	+	-	-	+	+	+	+	+
Rhodes, Pam (R)	HD 31	20	NA	NA	NA	-	+	+	E	-	-	-	E	-	-	-	-
Rippy, Greg (R)	HD 57	25	NA	NA	NA	-	-	+	-	+	-	-	+	-	-	-	-
Romanoff, Andrew (D)	HD 9	92	NA	NA	NA	-	+	+	+	+	+	+	+	+	+	+	+
Saliman, Todd (D)	HD 11	100	100	100	100	+	+	+	+	+	+	+	+	+	+	+	+
Sanchez, Desiree (D)	HD 2	75	NA	NA	NA	-	+	+	-	+	+	-	+	+	+	+	+
Schultheis, David (R)	HD 22	17	NA	NA	NA	-	+	+	-	-	-	-	-	-	-	-	-
Scott, Glenn (R)	HD 62	45	58	50	NA	-	E	+	-	+	-	+	+	-	+	-	-
Sinclair, William (R)	HD 16	33	25	22	50	-	+	+	-	+	-	-	+	-	-	-	-
Smith, Matt (R)	HD 54	50	33	33	60	-	+	+	-	-	-	-	+	+	+	+	-
Snook, Jim (R)	HD 60	33	NA	NA	NA	-	+	+	-	+	-	-	+	-	-	-	-
Spence, Nancy (R)	HD 39	18	33	11	NA	-	+	+	-	-	-	-	E	-	-	-	-
Spradley, Lola (R)	HD 44	8	17	11	40	-	-	+	-	-	-	-	-	-	-	-	-
Stafford, Debbie (R)	HD 40	17	NA	NA	NA	-	+	+	-	-	-	-	-	-	-	-	-
Stengel, Joe (R)	HD 38	25	58	11	NA	-	+	+	-	-	-	+	-	-	-	-	-
Swenson, Bill (R)	HD 12	33	58	22	60	-	+	+	-	-	-	-	-	-	+	-	+
Tapia, Abel (D)	HD 46	45	100	78	NA	-	+	+	-	-	E	-	+	-	+	+	-
Tochtrop, Lois (D)	HD 34	75	92	100	NA	-	+	+	-	+	-	+	+	+	+	+	+
Veiga, Jennifer (D)	HD 3	83	100	89	100	-	+	+	-	+	+	+	+	+	+	+	+
Vigil, Valentin (D)	HD 32	83	92	100	NA	-	+	+	-	+	+	+	+	+	+	+	+
Webster, Bill (R)	HD 48	25	33	11	NA	-	+	+	-	-	-	-	+	-	-	-	-
Weddig, Frank (D)	HD 43	58	NA	NA	NA	-	-	+	-	-	+	+	+	+	-	+	+
White, Al (R)	HD 56	33	NA	NA	NA	-	+	+	-	-	-	-	+	-	+	-	-
Williams, Suzanne (D)	HD 41	75	100	67	90	-	+	+	-	+	+	-	+	+	+	+	+
Williams, Tambor (R)	HD 50	25	45	11	60	-	+	+	-	-	-	-	+	-	-	-	-
Witwer, John (R)	HD 25	33	75	67	NA	-	+	+	-	+	-	-	+	-	-	-	-
Young, Brad (R)	HD 63	25	17	22	40	-	+	+	-	+	-	-	-	-	-	-	-

**FOR INFORMATION ON ENVIRONMENTAL ISSUES IN
COLORADO, CONTACT:**

Clean Water Action	303-839-9866	www.cleanwateraction.org
Audubon Colorado	303-415-0130	www.audubon.org/chapter/co
Colorado Conservation Voter Action Fund	303-322-1578	coloradoconservationvoters@worldnet.att.net
Colorado Environmental Coalition	303-534-7066	www.ourcolorado.org
Colorado Wildlife Federation	303-987-0400	www.coloradowildlife.org
Earthjustice Legal Defense Fund	303-623-9466	www.earthjustice.org
Environmental Defense	303-440-4901	www.edf.org/rockymtn
Land and Water Fund of the Rockies	303-444-1188	www.lawfund.org
League of Conservation Voters	303-541-0362	www.lcv.org
National Wildlife Federation	303-786-8001	www.nwf.org
San Juan Citizens Alliance	970-259-3583	www.sanjuancitizens.org
Sierra Club - Rocky Mountain Chapter	303-861-8819	www.rmcsierraclub.org
Trout Unlimited	303-440-2937	www.cotrout.org
Western Colorado Congress	970-249-1978	www.wccongress.org



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