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**EXECUTIVE ORDER**

**PROCLAMATION  
CALL FOR THE SECOND EXTRAORDINARY SESSION  
OF THE SIXTY-THIRD GENERAL ASSEMBLY**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular vested in the Governor pursuant to Article IV, Section 9 of the Colorado Constitution, and as provided for in Article V, Section 7, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order convening the Sixty-Third General Assembly to meet in extraordinary session.

1. Background and Need

The results of the 2000 United States Census increase Colorado's representation to the United States House of Representatives to seven seats from six. The Colorado Constitution requires the General Assembly to divide the state into seven congressional districts to reflect Colorado's new and higher population figures. New congressional districts need to be drawn in time for the 2002 election cycle and must embody the principle of one person, one vote from Article 1, Section 2 of the United States Constitution. The General Assembly should draw these districts to fairly reflect Colorado's growth, diversity, existing political subdivisions and communities of interest.

The unprecedented population growth that occurred in Colorado and was documented by the Census has dramatically impacted land use across the state. Colorado citizens have consistently stated that the rapid population growth threatens our unique quality of life. Colorado's voters and its legislature have struggled for several years with the question of how to manage the benefits associated with the population increase and how to mitigate certain negative impacts of the development that have resulted.

Unfortunately, despite attempts in three successive legislative sessions, a citizen's initiative, and a previous special session this year to address this difficult issue, Colorado still has not updated its land use laws to better manage growth. If the State of Colorado fails to act now to reform land use laws we risk losing a lifestyle found in no other place in the country.

The increased population in Colorado is clearly evidenced by the strain on the state's transportation system. For too long Colorado's transportation funding failed to keep pace with its population growth. Since 1998, we have more than doubled state spending on transportation and accelerated projects through programs like the transportation bonding referendum approved by the voters in 1999. Yet despite these measures, Colorado's state transportation system still suffers from twenty-five years of balancing the state budget on the back of transportation funding. The state must immediately reprioritize its budget to increase transportation funding.

Finally, two important issues call for immediate action during this extraordinary legislative session. First, due to drafting mistakes in Senate Bill 01-168 that were beyond the scope of the bill's title, certain drunk driving offenders may receive lesser sentences than are appropriate. The General Assembly, therefore, should rectify this oversight to ensure the safety of Colorado's roads and highways.

Second, many low-income women in Colorado and the nation are unable to afford the necessary treatment recommended as a result of free breast and cervical cancer screenings. In response, Congress late last year passed the Breast and Cervical Cancer Act of 2000. This authorizes states to adopt legislation providing Medicaid coverage to women who have been screened by a National Breast and Cervical Cancer Early Detection Program health care provider and found to have cancer or precancerous lesions. The Act offers a significant federal match for states that pass enabling legislation to offer Medicaid eligibility to women with breast and cervical cancer.

Earlier this year, the Colorado General Assembly failed to enact enabling legislation because it could not find a funding source for Colorado's portion. However, there are unspent funds from Colorado's share of the national tobacco settlement. As there is a direct connection between tobacco use and breast and cervical cancer, it makes sense to fund treatment for these diseases from unspent settlement dollars. Further delays offering treatment will increase eventual treatment costs and may result in needless deaths, thus the state should provide funding for this program now.

Because there has been no resolution concerning how to address these important issues for Colorado, an extraordinary occasion has arisen that necessitates that I convene a special session of the General Assembly to answer the needs of the people of Colorado.

## 2. Proclamation

I, Bill Owens, Governor of the State of Colorado, with this proclamation convene the Sixty-Third General Assembly of this state and summon the members of the Sixty-Third General Assembly to meet in Special Session at the State Capitol, in the City and County of Denver, on September 20, 2001, at 10:00 a.m. and designate the following subjects for your consideration and appropriate legislative action:

- A. Concerning the division of the State of Colorado into seven districts for representation in the United States Congress, according to constitutional standards.
- B. Concerning making the master plans in C.R.S. 30-28-106 and 31-23-206 legally enforceable.
- C. Concerning making the master plans in C.R.S. 30-28-106 and 31-23-206 mandatory for certain municipalities and counties.
- D. Concerning an appropriation for the Colorado Heritage Communities program in the Office of Smart Growth in the Department of Local Affairs.

- E. Concerning the creation of an alternative dispute resolution system in C.R.S. 24-32-3209 for the resolution of disputes between and among municipalities and counties regarding conflicts concerning the plans or planning process in C.R.S. 30-28-106 and 31-23-206.
- F. Concerning allowing property owners adjacent to a proposed annexation in which the contiguity requirements in C.R.S. 31-12-104 (1)(a) are 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, the opportunity to be included in the proposed annexation.
- G. Concerning the creation of a regional planning agreement between the municipalities and counties that are members of the metropolitan planning organization (MPO) for the Denver metropolitan area that upholds local decision-making authority.
- H. Concerning establishing uniform authority among all home rule and statutory municipalities and counties for land development charges that have a direct nexus and are proportionate to the costs of public infrastructure and capital facilities provided by municipalities and counties.
- I. Concerning the elimination of the restriction in C.R.S. 39-26-123 that limits sales and use tax transfers to the Highway Users Tax Fund when revenues are not sufficient to make expenditures up to the six percent appropriations limit.
- J. Concerning increasing the percentage of sales and use taxes currently allocated to the Highway Users Tax Fund in Section C.R.S. 39-26-123.
- K. Concerning delaying the timetable of repayment of the controlled maintenance trust fund as specified in C.R.S. 24-75-302.5.
- L. Concerning an annual transfer in future years from the General Fund excess reserve to the capital construction fund for highway funding.
- M. Concerning certain technical corrections to Senate Bill 01-168 to clarify the appropriate sentence for driving under the influence offenses.
- N. Concerning implementing the Breast and Cervical Cancer Act of 2000 with funding from monies allocated to the Tobacco program fund created in C.R.S. 25-3.5-807.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this 10th  
day of September, 2001.

Bill Owens  
Governor