

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0172.02 Jason Gelender

SENATE BILL 06-078

SENATE SPONSORSHIP

Wiens, Isgar, and May R.

HOUSE SPONSORSHIP

McKinley, Green, Borodkin, Hefley, Larson, and Stafford

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST THE EXERCISE OF THE POWER**
102 **OF EMINENT DOMAIN BY A PRIVATE CORPORATION TO CONDEMN**
103 **THE PRIVATE PROPERTY OF ANOTHER PERSON OR ENTITY FOR**
104 **THE PURPOSE OF ACQUIRING RIGHTS-OF-WAY FOR A PRIVATE**
105 **TOLL ROAD OR PRIVATE TOLL HIGHWAY.**

Bill Summary

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

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

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.

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.

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

2 **SECTION 1.** Article 45 of title 7, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **7-45-104. Acquisition of right-of-way.** NOTWITHSTANDING THE
5 PROVISIONS OF SECTION 38-2-101, C.R.S., ON AND AFTER THE EFFECTIVE
6 DATE OF THIS SECTION, A CORPORATION FORMED UNDER THIS ARTICLE
7 SHALL NOT HAVE THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN
8 TO ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF THE LINE OF A PROPOSED
9 TOLL ROAD OR TOLL HIGHWAY SPECIFIED IN THE CERTIFICATE OF
10 INCORPORATION OF THE CORPORATION AS REQUIRED BY SECTION 7-45-101
11 (1). NOTHING HEREIN SHALL PROHIBIT A CORPORATION FROM ENTERING
12 INTO AN AGREEMENT WITH A PUBLIC ENTITY TO ENABLE THE
13 CONSTRUCTION OF SUCH A TOLL ROAD OR TOLL HIGHWAY.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.