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F I S C A L   I M P A C T   R E P O R T

SPONSOR:	Kysar	DATE TYPED:	02/03/00	HB	
SHORT TITLE:		Planning & Platting Jurisdiction		SB	293
				ANALYST:	Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring	Fund
FY00	**FY01**	**FY00**	**FY01**	**or Non-Rec**	**Affected**
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

Attorney General

Department of Finance and Administration

SUMMARY

Synopsis of Bill

Senate Bill 293 makes changes to the planning and platting jurisdiction of certain municipalities so that municipalities with a population of 200,000 or fewer would only be able to exercise its planning and platting jurisdiction outside its municipal boundaries to plan utility and transportation corridors and not residential and commercial activities, and only if the municipality has adopted an official master plan.

ADMINISTRATIVE IMPLICATIONS

There may be some impact to municipalities who are required to prepare and adopt a master plan in order to exercise its planning and platting jurisdiction outside the boundaries of the municipality for certain purposes.

OTHER SUBSTANTIVE ISSUES

The Attorney General's Office notes the following issues:

Issue 1: Subsection B pertains to municipalities "having a population over 200,000 in class A counties"; proposed subsection C pertains to municipalities "with a population of two hundred thousand fewer." The application of this section 3-19-5 to municipalities which are neither included in subsections B or C (i.e., municipalities greater than 200,000 but not within a class A county) is unclear. As it currently reads, such municipalities are only subject to subsection A of section 3-19-5.

Issue 2: Subsection C(1) eliminates all extraterritorial planning and platting jurisdiction if a municipality fails to adopt a master plan. This measure could have the unintended effect of limiting a municipality's other extraterritorial powers, such as furnishing or selling water outside its territorial limits pursuant to 3-27-8. Some limiting language would resolve this problem.

Issue 3: This bill adds references to section 3-19-9. However, the specific section relating to the adoption of master plans is section 3-19-10. Including both sections may be more complete.

The Department of Finance and Administration notes the following issues:

[These proposed changes] would leave a municipality without any voice on residential and commercial land use decisions that may very well directly affect the municipality. A commercial complex, for instance, could be sited just outside a municipality's boundary that will require municipal and emergency services, yet the municipality would have no say in determining whether such an entity could be afforded service. This bill also denies the community an ability to be a full partner in their own planning decision making process with the county, by revoking certain authority and returning to the state that control. While requiring a municipality to have a master plan is a good idea, without there being an entire framework of support and guidance, plus financial resources, to support such a requirement, it is doubtful whether the bill would entice many communities to initiate and complete master plans.

POSSIBLE QUESTIONS

The Attorney General's Office notes the following issue:

(1) Possible confusion whether paragraphs B and C, as amended are mutually exclusive; (2) proposed paragraph C(1) may be construed as a limitation on other municipal powers; (3) the section specifically pertaining to master plans, section 3-19-10, should also be referenced.

JMG/njw:prr