

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB06-089 be amended as follows:

1 Amend printed bill, page 2, after line 1, insert the following:

2 "SECTION 1. 38-33.3-103, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF THE FOLLOWING NEW  
4 SUBSECTIONS to read:

5 **38-33.3-103. Definitions.** As used in the declaration and bylaws  
6 of an association, unless specifically provided otherwise or unless the  
7 context otherwise requires, and in this article:

8 (20.5) "MIXED-USE DEVELOPMENT" MEANS A COMMON INTEREST  
9 COMMUNITY THAT CONTAINS TWO OR MORE OF THE FOLLOWING  
10 ELEMENTS: RESIDENTIAL, COMMERCIAL, BUSINESS, RETAIL, OFFICE,  
11 AGRICULTURAL, RECREATIONAL, OR INDUSTRIAL.

12 (21.5) "PHASED COMMUNITY" MEANS A COMMON INTEREST  
13 COMMUNITY IN WHICH THE DECLARANT RETAINS DEVELOPMENT RIGHTS."

14 Renumber succeeding sections accordingly.

15 Page 6, strike lines 22 through 27.

16 Page 7, strike lines 1 and 2 and substitute the following:

17 "38-33.3-217. Amendment of declaration. (1) (a) (I) Except in  
18 cases of amendments that may be executed by a declarant under section



1 ~~38-33.3-205 (4) and (5), 38-33.3-208 (3), 38-33.3-209 (6), 38-33.3-210,~~  
2 ~~or 38-33.3-222, by an association under section 38-33.3-107, 38-33.3-206~~  
3 ~~(4), 38-33.3-208 (2), 38-33.3-212, 38-33.3-213, or 38-33.3-218 (11) and~~  
4 ~~(12), or by the district court for any county that includes all or any portion~~  
5 ~~of a common interest community under subsection (7) of this section, and~~  
6 ~~except as limited by subsection (4) of this section, AS OTHERWISE~~  
7 ~~PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the~~  
8 ~~declaration,";~~

9 after line 16, insert the following:

10           "(II) THIS PARAGRAPH (a) SHALL NOT APPLY:

11           (A) TO THE EXTENT THAT ITS APPLICATION IS LIMITED BY  
12 SUBSECTION (4) OF THIS SECTION;

13           (B) TO AMENDMENTS EXECUTED BY A DECLARANT UNDER SECTION  
14 38-33.3-205 (4) AND (5), 38-33.3-208 (3), 38-33.3-209 (6), 38-33.3-210,  
15 OR 38-33.3-222;

16           (C) TO AMENDMENTS EXECUTED BY AN ASSOCIATION UNDER  
17 SECTION 38-33.3-107, 38-33.3-206 (4), 38-33.3-208 (2), 38-33.3-212,  
18 38-33.3-213, OR 38-33.3-218 (11) AND (12);

19           (D) TO AMENDMENTS EXECUTED BY THE DISTRICT COURT FOR ANY  
20 COUNTY THAT INCLUDES ALL OR ANY PORTION OF A COMMON INTEREST  
21 COMMUNITY UNDER SUBSECTION (7) OF THIS SECTION; OR

22           (E) TO AMENDMENTS THAT AFFECT MIXED-USE DEVELOPMENTS,  
23 PHASED COMMUNITIES, OR DECLARANT-CONTROLLED COMMUNITIES."

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