

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R26-0470.01 Caroline Martin x5902

SCR26-001

SENATE SPONSORSHIP

Pelton R.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government & Housing

House Committees

SENATE CONCURRENT RESOLUTION 26-001

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING THE PREEMPTION OF STATE LAWS BY**
104 **CONFLICTING LOCAL LAWS IN THE AREAS OF LOCAL**
105 **PERMITTING, ZONING, PLANNING, LAND USE, AND SITING**
106 **DECISIONS.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

The concurrent resolution provides that, within the territorial limits

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

and jurisdiction of an enacting local government, a local ordinance, code, regulation, or other law enacted by a local government supersedes any conflicting state law in the following areas:

- Permitting of construction, development, or land access;
- Zoning and planning;
- Land use decisions;
- Siting of utilities and infrastructure;
- Mineral resource areas;
- Natural hazard areas;
- Areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance;
- Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community;
- Site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems;
- Site selection and development of solid waste disposal sites;
- Site selection of airports;
- Site selection of rapid or mass transit terminals, stations, and fixed guideways;
- Site selection of arterial highways, arterial interchanges, and collector highways;
- Site selection and construction of major facilities of a public utility;
- Site selection and development of new communities;
- Efficient utilization of municipal and industrial water projects;
- Conduct of nuclear detonations; and
- The use of geothermal resources for the commercial production of electricity.

1 *Be It Resolved by the Senate of the Seventy-fifth General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the election held on November 3, 2026, the
4 secretary of state shall submit to the registered electors of the state the
5 ballot title set forth in section 2 for the following amendment to the state
6 constitution:

1 In the constitution of the state of Colorado, **add** section 17 to
2 article XVIII as follows:

3 **Section 17. Areas of local preemption.** NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW AND WITHIN THE TERRITORIAL LIMITS AND
5 JURISDICTION OF AN ENACTING LOCAL GOVERNMENT, A LOCAL
6 ORDINANCE, CODE, REGULATION, OR OTHER LAW ENACTED BY A LOCAL
7 GOVERNMENT SUPERSEDES ANY CONFLICTING STATE LAW IN THE
8 FOLLOWING AREAS:

9 (1) PERMITTING OF CONSTRUCTION, DEVELOPMENT, OR LAND
10 ACCESS;

11 (2) ZONING AND PLANNING;

12 (3) LAND USE DECISIONS;

13 (4) SITING OF UTILITIES AND INFRASTRUCTURE;

14 (5) MINERAL RESOURCE AREAS;

15 (6) NATURAL HAZARD AREAS;

16 (7) AREAS CONTAINING, OR HAVING A SIGNIFICANT IMPACT UPON,
17 HISTORICAL, NATURAL, OR ARCHAEOLOGICAL RESOURCES OF STATEWIDE
18 IMPORTANCE;

19 (8) AREAS AROUND KEY FACILITIES IN WHICH DEVELOPMENT MAY
20 HAVE A MATERIAL EFFECT UPON THE KEY FACILITY OR THE SURROUNDING
21 COMMUNITY;

22 (9) SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC
23 WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF
24 EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS;

25 (10) SITE SELECTION AND DEVELOPMENT OF SOLID WASTE
26 DISPOSAL SITES;

27 (11) SITE SELECTION OF AIRPORTS;

1 (12) SITE SELECTION OF RAPID OR MASS TRANSIT TERMINALS,
2 STATIONS, AND FIXED GUIDEWAYS;

3 (13) SITE SELECTION OF ARTERIAL HIGHWAYS, ARTERIAL
4 INTERCHANGES, AND COLLECTOR HIGHWAYS;

5 (14) SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF
6 A PUBLIC UTILITY;

7 (15) SITE SELECTION AND DEVELOPMENT OF NEW COMMUNITIES;

8 (16) EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL
9 WATER PROJECTS;

10 (17) CONDUCT OF NUCLEAR DETONATIONS; AND

11 (18) THE USE OF GEOTHERMAL RESOURCES FOR THE COMMERCIAL
12 PRODUCTION OF ELECTRICITY.

13 **SECTION 2.** Each elector voting at the election may cast a vote
14 either "Yes/For" or "No/Against" on the following ballot title: "Shall
15 there be an amendment to the Colorado constitution concerning the
16 preemption of state laws by conflicting local laws in the areas of local
17 permitting, zoning, planning, land use, and siting decisions?"

18 **SECTION 3.** Except as otherwise provided in section 1-40-123,
19 Colorado Revised Statutes, if at least fifty-five percent of the electors
20 voting on the ballot title vote "Yes/For", then the amendment will become
21 part of the state constitution.