

**Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-0876.01 Thomas Morris

**HOUSE BILL 08-1350**

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**HOUSE SPONSORSHIP**

**Madden,**

**SENATE SPONSORSHIP**

**Romer,**

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**House Committees**  
Transportation & Energy

**Senate Committees**  
Local Government

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**A BILL FOR AN ACT**

101 **CONCERNING THE FACILITATION OF THE FINANCING OF RENEWABLE**  
102 **ENERGY.**

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**Bill Summary**

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

Facilitates the financing of renewable energy projects by local governments and the clean energy development authority. Updates the authority's ability to issue bonds for such projects. Authorizes the removal for cause of members of the board of directors of the authority.

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

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.*

SENATE  
3rd Reading Unamended  
May 5, 2008

SENATE  
Amended 2nd Reading  
May 2, 2008

HOUSE  
3rd Reading Unamended  
April 7, 2008

HOUSE  
Amended 2nd Reading  
April 4, 2008

1           **SECTION 1.** 40-9.7-102 (2), Colorado Revised Statutes, is  
2 amended to read:

3           **40-9.7-102. Legislative declaration.** (2) The general assembly  
4 further finds and declares that the purpose of this article is to create the  
5 Colorado clean energy development authority and to endow the authority  
6 with powers sufficient to enable it to:

- 7           (a) Facilitate the production and consumption of clean energy; ~~and~~
- 8           (b) Increase the transmission and use of clean energy by financing  
9 and refinancing projects located within or outside the state for the  
10 production, transportation, transmission, and storage of clean energy,  
11 including pipelines, and related supporting infrastructure and interests  
12 therein; AND
- 13           (c) FACILITATE THE EFFICIENT USE OF ENERGY.

14           **SECTION 2.** 40-9.7-103, Colorado Revised Statutes, is amended  
15 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**  
16 **read:**

17           **40-9.7-103. Definitions.** As used in this article, unless the context  
18 otherwise requires:

19           

20           (5.5) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN  
21 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY  
22 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND INCLUDES  
23 ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING AUTHORIZED  
24 AS A UTILITY COST-SAVINGS MEASURE BY THE BOARD.

25           (13.5) "RENEWABLE ENERGY IMPROVEMENT" MEANS ANY  
26 FIXTURE, PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES  
27 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL OR COMMERCIAL

1 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,  
2 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR  
3 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR  
4 GEOTHERMAL SYSTEMS, AS MAY BE AUTHORIZED BY THE BOARD; EXCEPT  
5 THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE AUTHORIZED THAT  
6 INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY UNDER A  
7 CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION UNDER  
8 ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION SHALL  
9 HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO WHETHER  
10 A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH A RIGHT.

11 **SECTION 3.** 40-9.7-103 (10), Colorado Revised Statutes, is  
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **40-9.7-103. Definitions.** As used in this article, unless the context  
14 otherwise requires:

15 (10) (c) "PROJECT" ALSO MEANS ANY RENEWABLE ENERGY  
16 IMPROVEMENT OR ENERGY EFFICIENCY IMPROVEMENT.

17 **SECTION 4.** 29-3-103 (10) (k) and (10) (l), Colorado Revised  
18 Statutes, are amended, and the said 29-3-103 (10) is further amended BY  
19 THE ADDITION OF A NEW PARAGRAPH, to read:

20 **29-3-103. Definitions.** As used in this article, unless the context  
21 otherwise requires:

22 (10) "Project" means any land, building, or other improvement  
23 and all real or personal properties, and any undivided or other interest in  
24 any of the foregoing, except inventories and raw materials, whether or not  
25 in existence, suitable or used for or in connection with any of the  
26 following:

27 (k) Research, product-testing, and administrative facilities; and

1 (l) Facilities for private and not-for-profit institutions of higher  
2 education; AND

3 (m) CAPITAL IMPROVEMENTS TO EXISTING RESIDENTIAL,  
4 COMMERCIAL, OR INDUSTRIAL STRUCTURES TO RETROFIT SUCH  
5 STRUCTURES FOR SIGNIFICANT ENERGY SAVINGS OR INSTALLATION OF  
6 SOLAR OR OTHER ALTERNATIVE ELECTRICAL ENERGY-PRODUCING  
7 IMPROVEMENTS TO SERVE THAT STRUCTURE OR OTHER STRUCTURES ON  
8 CONTIGUOUS PROPERTY UNDER COMMON OWNERSHIP.

9 **SECTION 5.** 30-11-107 (1) (ii), Colorado Revised Statutes, is  
10 amended, and the said 30-11-107 is further amended BY THE  
11 ADDITION OF A NEW PARAGRAPH, to read:

12 **30-11-107. Powers of the board.** (1) The board of county  
13 commissioners of each county has power at any meeting:

14 (ii) To provide in the county budget for programs that support  
15 education and outreach on environmental sustainability AND FOR  
16 FINANCING CAPITAL IMPROVEMENTS FOR ENERGY EFFICIENCY RETROFITS  
17 AND THE INSTALLATION OF RENEWABLE ENERGY FIXTURES, AS DEFINED IN  
18 SECTION 30-11-107.3, FOR PRIVATE RESIDENCES AND COMMERCIAL  
19 PROPERTY within the county but THAT do not exempt the county from the  
20 requirements of any other statute.

21 (jj) TO ENCOURAGE HOMEOWNERS TO PARTICIPATE IN UTILITY  
22 DEMAND-SIDE MANAGEMENT PROGRAMS WHERE APPLICABLE.

23 **SECTION 6.** 30-11-107.3 (2) (b), Colorado Revised Statutes, is  
24 amended to read:

25 **30-11-107.3. Incentives for installation of renewable energy**  
26 **fixtures - definitions.** (2) For purposes of this section, unless the  
27 context otherwise requires:

1           (b) "Renewable energy fixture" means any fixture, product,  
2           system, device, or interacting group of devices INSTALLED BEHIND THE  
3           METER OF ANY RESIDENTIAL OR COMMERCIAL BUILDING that produces  
4           electricity ENERGY from renewable resources, including, but not limited  
5           to, photovoltaic systems, solar thermal systems, small wind systems,  
6           biomass systems, or geothermal systems.

7           **SECTION 7.** The introductory portion to 40-9.7-108 (1),  
8           Colorado Revised Statutes, is amended to read:

9           **40-9.7-108. Colorado clean energy development authority**  
10          **fund - creation - authorization of projects.** (1) The AUTHORITY SHALL  
11          CREATE A Colorado clean energy development authority fund ~~is hereby~~  
12          ~~created in the state treasury~~ IN A FINANCIAL INSTITUTION WITHIN OR  
13          OUTSIDE THE STATE. The following moneys, together with any other  
14          moneys appropriated by the general assembly, shall be credited to the  
15          fund subject to agreements with the holders of bonds, financing  
16          agreements, contracts, agreements, or other obligations of the authority  
17          authorized by this article:

18          **SECTION 8.** Part 6 of article 20 of title 30, Colorado Revised  
19          Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
20          read:

21          **30-20-601.5. Legislative declaration - inclusion of energy**  
22          **efficiency and renewable energy production projects in local**  
23          **improvement districts.** (1) THE GENERAL ASSEMBLY FINDS,  
24          DETERMINES, AND DECLARES THAT:

25          (a) THE PRODUCTION AND EFFICIENT USE OF ENERGY WILL  
26          CONTINUE TO PLAY A CENTRAL ROLE IN THE FUTURE OF THIS STATE AND  
27          THE NATION AS A WHOLE; AND

1 (b) THE DEVELOPMENT, PRODUCTION, AND EFFICIENT USE OF  
2 RENEWABLE ENERGY WILL ADVANCE THE SECURITY, ECONOMIC  
3 WELL-BEING, AND PUBLIC AND ENVIRONMENTAL HEALTH OF THIS STATE,  
4 AS WELL AS CONTRIBUTING TO THE ENERGY INDEPENDENCE OF OUR  
5 NATION.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
7 DECLARES THAT THE INCLUSION OF ENERGY EFFICIENCY AND RENEWABLE  
8 ENERGY PRODUCTION PROJECTS FOR RESIDENTIAL AND COMMERCIAL USE  
9 IN LOCAL IMPROVEMENT DISTRICTS, AND POWERS CONFERRED UNDER THIS  
10 PART 6, AS WELL AS THE EXPENDITURES OF PUBLIC MONEYS MADE  
11 PURSUANT TO THIS ARTICLE, WILL SERVE A VALID PUBLIC PURPOSE AND  
12 THAT THE ENACTMENT OF THIS PART 6 IS EXPRESSLY DECLARED TO BE IN  
13 THE PUBLIC INTEREST.

14 **SECTION 9.** 30-20-602, Colorado Revised Statutes, is amended  
15 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
16 read:

17 **30-20-602. Definitions.** As used in this part 6, unless the context  
18 otherwise requires:

19 (2.8) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN  
20 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY  
21 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND  
22 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

23 (a) INSULATION IN WALLS, ROOFS, FLOORS, AND FOUNDATIONS AND  
24 IN HEATING AND COOLING DISTRIBUTION SYSTEMS;

25 (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND  
26 DOORS, HEAT-ABSORBING OR HEAT-REFLECTIVE GLAZED AND COATED  
27 WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN

1 GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS  
2 THAT REDUCE ENERGY CONSUMPTION;

3 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

4 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND  
5 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS  
6 OR CENTRAL PLANTS;

7 (e) CAULKING AND WEATHERSTRIPPING;

8 (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO  
9 INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING  
10 THE OVERALL ILLUMINATION OF A RESIDENTIAL OR COMMERCIAL BUILDING  
11 UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO  
12 THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;

13 (g) ENERGY RECOVERY SYSTEMS;

14 (h) DAYLIGHTING SYSTEMS; AND

15 (i) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING  
16 APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE BOARD.

17 (4.7) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,  
18 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES  
19 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL AND COMMERCIAL  
20 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,  
21 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR  
22 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR  
23 GEOTHERMAL SYSTEMS, AS MAY BE INCLUDED IN THE APPROVAL OF THE  
24 DISTRICT BY THE BOARD; EXCEPT THAT NO RENEWABLE ENERGY  
25 IMPROVEMENT SHALL BE AUTHORIZED THAT INTERFERES WITH A RIGHT  
26 HELD BY A PUBLIC UTILITY UNDER A CERTIFICATE ISSUED BY THE PUBLIC  
27 UTILITIES COMMISSION UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC

1 UTILITIES COMMISSION SHALL HAVE PRIMARY JURISDICTION TO  
2 ADJUDICATE DISPUTES AS TO WHETHER A RENEWABLE ENERGY  
3 IMPROVEMENT INTERFERES WITH SUCH A RIGHT.

4 **SECTION 10.** 30-20-603 (1), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **30-20-603. Improvements authorized - how instituted -**  
7 **conditions.** (1) (e) THE IMPROVEMENTS AUTHORIZED BY THIS PART 6  
8 MAY INCLUDE, WHERE SPECIFIED OR GENERALLY PROVIDED FOR IN THE  
9 RESOLUTION OF THE BOARD APPROVING THE DISTRICT, ANY RENEWABLE  
10 ENERGY IMPROVEMENT OR ENERGY EFFICIENCY IMPROVEMENT TO ANY  
11 RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN THE DISTRICT.

12 **SECTION 11.** 30-20-603, Colorado Revised Statutes, is amended  
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **30-20-603. Improvements authorized - how instituted -**  
15 **conditions.** (11.5) ANY OTHER PROVISION OF THIS PART 6  
16 NOTWITHSTANDING, THE BOARD MAY INITIATE AN IMPROVEMENT DISTRICT  
17 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
18 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY PARAGRAPH (e) OF  
19 SUBSECTION (1) OF THIS SECTION. ANY SUCH DISTRICT SHALL INCLUDE  
20 ONLY PROPERTY FOR WHICH THE OWNER HAS EXECUTED A CONTRACT OR  
21 AGREEMENT CONSENTING TO THE INCLUSION OF SUCH PROPERTY WITHIN  
22 THE DISTRICT, AND SUCH CONSENT MAY OCCUR SUBSEQUENT TO THE  
23 ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT.  
24 THE INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO  
25 THE ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT  
26 MAY BE MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING  
27 RESOLUTION OF THE BOARD. FOR DISTRICTS FORMED FOR THE PURPOSE OF

1 ENCOURAGING, ACCOMMODATING, AND FINANCING RENEWABLE ENERGY  
2 IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS, THE PROVISIONS  
3 OF SUBSECTIONS (4) AND (5) OF THIS SECTION CONCERNING COMPETITIVE  
4 BIDDING AND PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION  
5 30-20-601 CONCERNING CONSTRUCTION UNDER THE DIRECTION OF  
6 COUNTY OFFICERS, OF SECTION 30-20-622 CONCERNING CONTRACTS FOR  
7 CONSTRUCTION, AND OF SECTION 30-20-623 CONCERNING CONTRACT  
8 PROVISIONS SHALL NOT APPLY. FOR SUCH DISTRICTS, THE OWNER OF  
9 PROPERTY WITHIN A DISTRICT MAY ARRANGE IMPROVEMENTS THAT  
10 QUALIFY PURSUANT TO THE RESOLUTION OF THE BOARD AUTHORIZING  
11 IMPROVEMENTS FOR THE DISTRICT AND MAY OBTAIN FINANCING FOR SAID  
12 IMPROVEMENTS FROM THE DISTRICT THROUGH THE PROCESS SET FORTH IN  
13 THE RESOLUTION FORMING THE DISTRICT.

14 **SECTION 12.** 30-20-604, Colorado Revised Statutes, is amended  
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **30-20-604. Cost assessed in accordance with benefits.** (4) ANY  
17 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,  
18 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603  
19 (11.5) SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH  
20 PROPERTY WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT  
21 FOR THE IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED  
22 INTO WITH THE OWNER OF PROPERTY, AS AUTHORIZED BY THE BOARD,  
23 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE  
24 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE  
25 PROPERTY.

26 **SECTION 13.** 30-20-606, Colorado Revised Statutes, is amended  
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **30-20-606. Determination of special benefits - factors**  
2 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED  
3 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
4 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5), THE TERM  
5 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED  
6 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY  
7 THE OWNER OF THE ASSESSED PROPERTY.

8           **SECTION 14.** 30-20-608, Colorado Revised Statutes, is amended  
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10           **30-20-608. Notice of apportionment.** (2) ANY DISTRICT FORMED  
11 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
12 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5) SHALL NOT  
13 BE REQUIRED TO PROVIDE A NOTICE OF APPORTIONMENT BY PUBLICATION;  
14 RATHER, SUCH NOTICE, IF ANY, MAY BE PROVIDED IN THE TIME AND  
15 MANNER SET FORTH IN THE CONTRACT OR AGREEMENT ENTERED INTO FOR  
16 EACH PROPERTY INCLUDED IN THE DISTRICT.

17           **SECTION 15.** 30-20-610, Colorado Revised Statutes, is amended  
18 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
19 read:

20           **30-20-610. Assessment constitutes a lien - filing with county**  
21 **clerk and recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED  
22 INCREASES IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY  
23 ASSESSMENT IMPOSED BEFORE THE COMPLETION OF THE RELATED  
24 IMPROVEMENTS MAY BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS  
25 OF THE SPECIAL BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF,  
26 NOT MORE THAN NINETY DAYS FOLLOWING THE COMPLETION OF SUCH  
27 IMPROVEMENTS, THE BOARD GIVES NOTICE OF ITS INTENT TO CONSIDER

1 THE AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE  
2 THAT A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH  
3 PUBLIC HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD  
4 PURSUANT TO SECTIONS 30-20-608 AND 30-20-609. AT THE CONCLUSION  
5 OF SUCH PUBLIC HEARING, THE BOARD MAY DETERMINE WHETHER TO  
6 AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT. ANY SUCH  
7 AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE ORIGINAL  
8 ASSESSMENT.

9 (5) IF, AS THE RESULT OF ANY SUBDIVISION, RESUBDIVISION,  
10 VACATION OF RIGHT-OF-WAY, OR OTHER ACTION TAKEN SUBSEQUENT TO  
11 THE ADOPTION OF THE ASSESSMENT RESOLUTION, ANY NEW LOT OR  
12 PARCEL IS CREATED WITHIN A DISTRICT, THE BOARD MAY, WITHOUT A  
13 PUBLIC HEARING AND WITH THE CONSENT OF THE OWNER OF THE NEW LOT  
14 OR PARCEL, MODIFY THE ASSESSMENT RESOLUTION TO REAPPORTION ALL  
15 OR ANY PART OF THE TOTAL AMOUNT ASSESSED IN THE DISTRICT TO SUCH  
16 NEW LOT OR PARCEL.

17 **SECTION 16.** 30-20-612, Colorado Revised Statutes, is amended  
18 to read:

19 **30-20-612. When assessments payable - installments.** All  
20 special assessments for local improvements shall be due and payable  
21 within thirty days after the effective date of the assessing resolution  
22 without demand, but all such assessments may be paid, at the election of  
23 the owner, in installments with interest as provided in section 30-20-614.  
24 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN  
25 SECTION 30-20-603 (11.5) MAY BE DUE AND PAYABLE AT SUCH  
26 ALTERNATE TIME OR TIMES AS SET FORTH IN THE ASSESSING RESOLUTION.

27 **SECTION 17.** 30-20-613, Colorado Revised Statutes, is amended

1 to read:

2           **30-20-613. Effect of payment in installments.** Failure to pay the  
3 whole assessment within said period of thirty days shall be conclusively  
4 considered and held to be an election on the part of all persons interested,  
5 whether under disability or otherwise, to pay in such installments. All  
6 persons so electing to pay in installments shall be conclusively held and  
7 considered as consenting to said improvements. Such election shall be  
8 conclusively held and considered as a waiver of any right to question the  
9 power or jurisdiction of the county to construct the improvements, the  
10 quality of the work, the regularity or sufficiency of the proceedings, the  
11 validity or the correctness of the assessments, or the validity of the lien  
12 thereof; EXCEPT THAT, WITH RESPECT TO LOCAL IMPROVEMENTS  
13 AUTHORIZED IN SECTION 30-20-603 (11.5), THE OWNER FOR EACH  
14 PROPERTY INCLUDED IN THE DISTRICT SHALL RETAIN ALL RIGHTS  
15 OTHERWISE EXISTING BY CONTRACT OR BY LAW AGAINST PARTIES OTHER  
16 THAN THE COUNTY WITH RESPECT TO THE FINANCED ENERGY EFFICIENCY  
17 IMPROVEMENT OR RENEWABLE ENERGY IMPROVEMENT.

18           **SECTION 18.** 30-20-614, Colorado Revised Statutes, is amended  
19 to read:

20           **30-20-614. How installments paid - interest.** In case of such  
21 election to pay in installments, the assessments shall be payable in two or  
22 more installments of principal, the first of which installments shall be  
23 payable as prescribed by the board in not more than five years and the last  
24 in not more than twenty years, with interest in all cases on the unpaid  
25 principal. The number and amounts of payment of installments, the  
26 period of payment, and the rate and times of payment of interest shall be  
27 determined by the board and set forth in the assessing resolution. The

1 times of payment of installments shall be the same as the times of  
2 payment for installments of property taxes as specified in section  
3 39-10-104.5 (2), C.R.S.; EXCEPT THAT ALL SPECIAL ASSESSMENTS FOR  
4 LOCAL IMPROVEMENTS AUTHORIZED IN SECTION 30-20-603 (11.5) MAY BE  
5 PAYABLE AT SUCH ALTERNATE TIMES AS PROVIDED BY THE BOARD IN THE  
6 ASSESSING RESOLUTION AND THE BOARD MAY ENTER INTO AGREEMENTS  
7 WITH THIRD PARTIES TO ASSIST THE TREASURER WITH THE  
8 ADMINISTRATION AND COLLECTION OF SUCH INSTALLMENTS.

9 **SECTION 19.** 30-20-619 (1) and (2), Colorado Revised Statutes,  
10 are amended, and the said 30-20-619 is further amended BY THE  
11 ADDITION OF A NEW SUBSECTION, to read:

12 **30-20-619. Issuing bonds - property specially benefited.**

13 (1) For the purpose of paying all or such portion of the cost of any  
14 improvement constructed or acquired under the provisions of this part 6  
15 as may be assessed against the property specially benefited and not paid  
16 by the sales tax authorized by section 30-20-604.5 or by the county,  
17 special assessment bonds of the county may be issued, of such date, in  
18 such form, and on such terms, including, without limitation, provisions  
19 for their sale, payment, and redemption, as may be prescribed by the  
20 board, bearing the name of the street or district improved and payable in  
21 a sufficient period of years after SUCH date to cover the period of payment  
22 provided, and in convenient denominations. All such bonds shall be  
23 issued upon estimates approved by the board, and the county treasurer  
24 shall preserve a record of the same in a suitable book kept for that  
25 purpose. All such bonds shall be subscribed by the ~~chairman~~ CHAIR of the  
26 board, countersigned by the county treasurer, with the county seal thereto  
27 affixed, and attested by the county clerk and recorder. Such bonds shall

1 be payable out of the moneys collected on account of the assessments  
2 made for said improvements, FROM RESERVE ACCOUNTS, IF ANY,  
3 ESTABLISHED TO SECURE THE PAYMENT OF SUCH BONDS, AND FROM ANY  
4 OTHER LEGALLY AVAILABLE MONEYS. All moneys collected from such  
5 assessments for any improvement shall be applied to the payment of the  
6 bonds issued, until payment in full is made of all the bonds, both principal  
7 and interest, OR TO FUND OR REPLENISH RESERVE ACCOUNTS, IF ANY,  
8 ESTABLISHED TO SECURE THE PAYMENT OF SUCH BONDS. The bonds may  
9 be sold, under such terms and conditions as are established by the board,  
10 in such amounts as will be sufficient to pay for the cost of the  
11 improvements.

12 (2) Whenever three-fourths of the bonds issued pursuant to  
13 subsection (1) of this section for an improvement constructed under ~~the~~  
14 ~~provisions of this part 6~~ have been paid and cancelled and for any reason  
15 ~~the~~ ANY remaining assessments are not paid in time to pay the remaining  
16 bonds for the district and the interest due thereon, the county ~~shall~~ MAY  
17 pay, ~~if so provided in the resolution authorizing issuance of the bonds~~  
18 FROM LEGALLY AVAILABLE MONEYS, the bonds when due and the interest  
19 due thereon and ~~shall~~ MAY reimburse itself by collecting the unpaid  
20 assessments due the district.

21 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 6,  
22 ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,  
23 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN  
24 SECTION 30-20-603 (11.5) MAY BE AUTHORIZED TO ISSUE ONE OR MORE  
25 SERIES OF BONDS, AND BONDS OF ANY SUCH DISTRICT MAY BE PAYABLE  
26 FROM THE ASSESSMENTS LEVIED PURSUANT TO ONE OR MORE ASSESSMENT  
27 RESOLUTIONS.

1           **SECTION 20.** 31-15-711 (1), Colorado Revised Statutes, is  
2 amended BY THE ADDITION OF THE FOLLOWING NEW  
3 PARAGRAPHS to read:

4           **31-15-711. Other public improvements.** (1) The governing  
5 body of each municipality has the power:

6           (j) TO PROVIDE IN THE MUNICIPAL BUDGET FOR PROGRAMS THAT  
7 SUPPORT EDUCATION AND OUTREACH ON ENVIRONMENTAL  
8 SUSTAINABILITY AND FOR FINANCING CAPITAL IMPROVEMENTS FOR  
9 ENERGY EFFICIENCY RETROFITS AND THE INSTALLATION OF RENEWABLE  
10 ENERGY FIXTURES, AS DEFINED IN SECTION 30-11-107.3, FOR PRIVATE  
11 RESIDENCES AND COMMERCIAL PROPERTY WITHIN THE MUNICIPALITY BUT  
12 THAT DO NOT EXEMPT THE MUNICIPALITY FROM THE REQUIREMENTS OF  
13 ANY OTHER STATUTE.

14           (k) TO ENCOURAGE HOMEOWNERS TO PARTICIPATE IN UTILITY  
15 DEMAND-SIDE MANAGEMENT PROGRAMS WHERE APPLICABLE.

16           **SECTION 21.** Part 5 of article 25 of title 31, Colorado Revised  
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
18 read:

19           **31-25-500.2. Legislative declaration - energy efficiency and**  
20 **renewable energy production projects.** (1) THE GENERAL ASSEMBLY  
21 FINDS, DETERMINES, AND DECLARES THAT:

22           (a) THE PRODUCTION AND EFFICIENT USE OF ENERGY WILL  
23 CONTINUE TO PLAY A CENTRAL ROLE IN THE FUTURE OF THIS STATE AND  
24 THE NATION AS A WHOLE; AND

25           (b) THE DEVELOPMENT, PRODUCTION, AND EFFICIENT USE OF  
26 RENEWABLE ENERGY WILL ADVANCE THE SECURITY, ECONOMIC  
27 WELL-BEING, AND PUBLIC AND ENVIRONMENTAL HEALTH OF THIS STATE,

1 AS WELL AS CONTRIBUTING TO THE ENERGY INDEPENDENCE OF OUR  
2 NATION.

3 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
4 DECLARES THAT THE INCLUSION OF ENERGY EFFICIENCY AND RENEWABLE  
5 ENERGY PRODUCTION PROJECTS FOR RESIDENTIAL AND COMMERCIAL USE  
6 IN SPECIAL IMPROVEMENT DISTRICTS, AND POWERS CONFERRED UNDER  
7 THIS PART 5, AS WELL AS THE EXPENDITURES OF PUBLIC MONEYS MADE  
8 PURSUANT TO THIS PART 5, WILL SERVE A VALID PUBLIC PURPOSE AND  
9 THAT THE ENACTMENT OF THIS PART 5 IS EXPRESSLY DECLARED TO BE IN  
10 THE PUBLIC INTEREST.

11 **SECTION 22.** 31-25-501, Colorado Revised Statutes, is amended  
12 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
13 read:

14 **31-25-501. Definitions.** As used in this part 5, unless the context  
15 otherwise requires:

16 (1.9) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN  
17 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY  
18 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND  
19 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

20 (a) INSULATION IN WALLS, ROOFS, FLOORS, AND FOUNDATIONS AND  
21 IN HEATING AND COOLING DISTRIBUTION SYSTEMS;

22 (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND  
23 DOORS, HEAT-ABSORBING OR HEAT-REFLECTIVE GLAZED AND COATED  
24 WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN  
25 GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS  
26 THAT REDUCE ENERGY CONSUMPTION;

27 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

1 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND  
2 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS  
3 OR CENTRAL PLANTS;

4 (e) CAULKING AND WEATHERSTRIPPING;

5 (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO  
6 INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING  
7 THE OVERALL ILLUMINATION OF A RESIDENTIAL OR COMMERCIAL BUILDING  
8 UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO  
9 THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;

10 (g) ENERGY RECOVERY SYSTEMS;

11 (h) DAYLIGHTING SYSTEMS; AND

12 (i) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING  
13 APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE GOVERNING  
14 BODY; EXCEPT THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE  
15 AUTHORIZED THAT INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY  
16 UNDER A CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION  
17 UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION  
18 SHALL HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO  
19 WHETHER A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH  
20 A RIGHT.

21 (4) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,  
22 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES  
23 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL OR COMMERCIAL  
24 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,  
25 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR  
26 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR  
27 GEOTHERMAL SYSTEMS, AS MAY BE AUTHORIZED BY THE GOVERNING

1 BODY.

2 **SECTION 23.** 31-25-502, Colorado Revised Statutes, is amended  
3 to read:

4 **31-25-502. Powers to make local improvements.** (1) A district  
5 may be formed in accordance with the requirements of this part 5 for the  
6 purpose of constructing, installing, or acquiring any public improvement  
7 so long as the municipality that forms the district is authorized to provide  
8 such improvement under the municipality's home rule charter or  
9 ordinance passed pursuant to such charter, if any, or the laws of this state.  
10 Public improvements shall not include any facility identified in section  
11 30-20-101 (8) or (9), C.R.S.

12 (2) THE IMPROVEMENTS AUTHORIZED BY THIS PART 5 MAY  
13 INCLUDE, WHERE SO SPECIFIED OR GENERALLY PROVIDED FOR IN THE  
14 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT, ANY  
15 RENEWABLE ENERGY IMPROVEMENT OR ENERGY EFFICIENCY  
16 IMPROVEMENT TO ANY RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN  
17 THE DISTRICT.

18 (3) It is lawful for any municipality to construct any of the local  
19 improvements mentioned in this part 5 and to assess the cost thereof,  
20 wholly or in part, upon the property especially benefited by such  
21 improvements. The improvements shall be authorized by ordinance duly  
22 adopted and shall be constructed under the direction of the municipal  
23 engineer or other officer having similar duties or under the direction of  
24 the governing body in accordance with plans and specifications adopted  
25 by the governing body; EXCEPT THAT FOR DISTRICTS FORMED FOR THE  
26 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
27 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY

1 IMPROVEMENTS, THE OWNER OF PROPERTY WITHIN A DISTRICT MAY  
2 ARRANGE IMPROVEMENTS THAT QUALIFY PURSUANT TO THE ORDINANCE  
3 OF THE GOVERNING BODY AUTHORIZING IMPROVEMENTS FOR THE DISTRICT  
4 AND MAY OBTAIN FINANCING FOR SAID IMPROVEMENTS FROM THE  
5 DISTRICT THROUGH THE PROCESS SET FORTH IN THE ORDINANCE FORMING  
6 THE DISTRICT.

7 **SECTION 24.** 31-25-503 (9), Colorado Revised Statutes, is  
8 amended to read:

9 **31-25-503. What improvements may be made - conditions.**

10 (9) (a) Any other provision of this part 5 to the contrary notwithstanding,  
11 the governing body may create a district for the purpose of acquiring  
12 existing improvements of a character authorized by this part 5, in which  
13 case, the provisions of this part 5 concerning construction of  
14 improvements by the municipality, competitive bidding, and preliminary  
15 plans and specifications shall not apply.

16 (b) ANY OTHER PROVISION OF THIS PART 5 NOTWITHSTANDING, THE  
17 GOVERNING BODY MAY CREATE AN IMPROVEMENT DISTRICT FOR THE  
18 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
19 RENEWABLE ENERGY IMPROVEMENTS AND ENERGY EFFICIENCY  
20 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY SECTION 31-25-502 (2).  
21 ANY SUCH DISTRICT SHALL INCLUDE ONLY PROPERTY FOR WHICH THE  
22 OWNER HAS EXECUTED A CONTRACT OR AGREEMENT CONSENTING TO THE  
23 INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT, AND SUCH CONSENT  
24 MAY OCCUR SUBSEQUENT TO THE ADOPTION OF THE ORDINANCE OF THE  
25 GOVERNING BODY FORMING THE DISTRICT. THE INCLUSION OF SUCH  
26 PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO THE ADOPTION OF THE  
27 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT MAY BE

1 MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING ORDINANCE  
2 OR RESOLUTION OF THE GOVERNING BODY. FOR DISTRICTS FORMED FOR  
3 THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
4 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY  
5 IMPROVEMENTS, THE PROVISIONS OF SUBSECTIONS (2) AND (3) OF THIS  
6 SECTION CONCERNING PRELIMINARY ORDERS, COMPETITIVE BIDDING, AND  
7 PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION 31-25-516  
8 CONCERNING CONTRACTS FOR CONSTRUCTION, AND OF SECTION 31-25-518  
9 CONCERNING CONTRACT PROVISIONS SHALL NOT APPLY.

10 **SECTION 25.** 31-25-507, Colorado Revised Statutes, is amended  
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **31-25-507. Determination of special benefits - factors**  
13 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED  
14 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING  
15 IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2), THE TERM  
16 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED  
17 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY  
18 THE OWNER OF THE ASSESSED PROPERTY.

19 **SECTION 26.** 31-25-513, Colorado Revised Statutes, is amended  
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **31-25-513. Cost assessed in accordance with benefits.** (4) ANY  
22 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,  
23 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2)  
24 SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH PROPERTY  
25 WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT FOR THE  
26 IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED INTO WITH  
27 THE OWNER OF PROPERTY, AS AUTHORIZED BY THE GOVERNING BODY,

1 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE  
2 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE  
3 PROPERTY.

4 **SECTION 27.** 31-25-520, Colorado Revised Statutes, is amended  
5 to read:

6 **31-25-520. Notice of hearing on assessments.** (1) The clerk  
7 shall give notice that the assessment roll has been completed and of a  
8 hearing on the assessment roll by publication in an issue of a newspaper  
9 of general circulation in the municipality, the publication to be at least  
10 fifteen days prior to the date of hearing. The same notice of the hearing  
11 shall be mailed by first-class mail to each property owner to be assessed  
12 for the cost of the improvements who is included within the district. The  
13 mailed notice shall be made on or about the date of the publication of the  
14 notice of hearing. The notices shall specify: The whole cost of the  
15 improvement; the portion, if any, to be paid by such municipality; the  
16 share apportioned to each lot or tract of land; that any complaints or  
17 objections ~~which~~ THAT may be made in writing by the property owners or  
18 any citizen to the governing body, and filed in writing on or prior to the  
19 date of the hearing, will be heard and determined by the governing body  
20 before the passage of any ordinance assessing the cost of said  
21 improvements; and the date when and the place where such complaints  
22 or objections will be heard.

23 (2) ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,  
24 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN  
25 SECTION 31-25-502 (2) SHALL NOT BE REQUIRED TO PROVIDE A NOTICE OF  
26 THE HEARING ON ASSESSMENTS BY PUBLICATION; RATHER, SUCH NOTICE,  
27 IF ANY, MAY BE PROVIDED IN THE TIME AND MANNER SET FORTH IN THE

1 CONTRACT OR AGREEMENT ENTERED INTO BY THE OWNER FOR EACH  
2 PROPERTY INCLUDED IN THE DISTRICT.

3 **SECTION 28.** 31-25-522, Colorado Revised Statutes, is amended  
4 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
5 read:

6 **31-25-522. Assessment of a lien - filing with county clerk and**  
7 **recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED INCREASES  
8 IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY ASSESSMENT  
9 IMPOSED BEFORE THE COMPLETION OF THE RELATED IMPROVEMENTS MAY  
10 BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS OF THE SPECIAL  
11 BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF, NOT MORE THAN  
12 NINETY DAYS FOLLOWING THE COMPLETION OF SUCH IMPROVEMENTS, THE  
13 GOVERNING BODY GIVES NOTICE OF ITS INTENT TO CONSIDER THE  
14 AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE THAT  
15 A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH PUBLIC  
16 HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD  
17 PURSUANT TO SECTIONS 31-25-520 AND 31-25-521. AT THE CONCLUSION  
18 OF SUCH PUBLIC HEARING, THE GOVERNING BODY MAY DETERMINE  
19 WHETHER TO AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT.  
20 ANY SUCH AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE  
21 ORIGINAL ASSESSMENT.

22 (5) IF, AS THE RESULT OF ANY SUBDIVISION, RESUBDIVISION,  
23 VACATION OF RIGHT-OF-WAY, OR OTHER ACTION TAKEN SUBSEQUENT TO  
24 THE ADOPTION OF THE ASSESSMENT ORDINANCE, ANY NEW LOT OR PARCEL  
25 IS CREATED WITHIN A DISTRICT, THE GOVERNING BODY MAY, WITHOUT A  
26 PUBLIC HEARING AND WITH THE CONSENT OF THE OWNER OF THE NEW LOT  
27 OR PARCEL, MODIFY THE ASSESSMENT ORDINANCE TO REAPPORTION ALL

1 OR ANY PART OF THE TOTAL AMOUNT ASSESSED IN THE DISTRICT TO SUCH  
2 NEW LOT OR PARCEL.

3 **SECTION 29.** 31-25-524, Colorado Revised Statutes, is amended  
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **31-25-524. Payment - assessment roll returned.** (4) ALL  
6 SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN  
7 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE  
8 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

9 **SECTION 30.** 31-25-526 (1), Colorado Revised Statutes, is  
10 amended to read:

11 **31-25-526. Collection of assessment payments - by municipal**  
12 **treasurer - by county treasurer.** (1) The governing body may, by  
13 ordinance, direct the municipal treasurer to collect any amount payable  
14 as an assessment pursuant to this part 5 OR AUTHORIZE THE MUNICIPAL  
15 TREASURER OR OTHER APPROPRIATE MUNICIPAL OFFICIAL TO ENTER INTO  
16 CONTRACTS WITH THIRD PARTIES FOR ASSISTANCE IN THE ADMINISTRATION  
17 AND COLLECTION OF ASSESSMENTS. If the governing body does not direct,  
18 by ordinance, that assessment payments be collected by the municipal  
19 treasurer, then such payments shall be collected by the county treasurer.

20 **SECTION 31.** 31-25-527, Colorado Revised Statutes, is amended  
21 to read:

22 **31-25-527. When assessments payable - installments.** All  
23 special assessments for local improvements shall be due and payable  
24 within thirty days after the final publication of the assessing ordinance  
25 without demand; but all such assessments may be paid, at the election of  
26 the owner, in installments with interest as provided in section 31-25-528.  
27 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN

1 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE  
2 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

3 **SECTION 32.** 31-25-529, Colorado Revised Statutes, is amended  
4 to read:

5 **31-25-529. Effect of payment in installments.** Failure to pay the  
6 whole assessment within said period of thirty days shall be conclusively  
7 considered to be an election on the part of all persons interested, whether  
8 under disability or otherwise, to pay in installments. All persons so  
9 electing to pay in installments shall be conclusively considered to have  
10 consented to said improvements. Such election shall be conclusively  
11 considered to be a waiver of any right to question the power or  
12 jurisdiction of the municipality to construct the improvements, the quality  
13 of the work, the regularity or sufficiency of the proceedings, the validity  
14 or the correctness of the assessments, or the validity of the lien thereof;  
15 EXCEPT THAT WITH RESPECT TO LOCAL IMPROVEMENTS AUTHORIZED IN  
16 SECTION 31-25-502 (2), THE OWNER FOR EACH PROPERTY INCLUDED IN THE  
17 DISTRICT SHALL RETAIN ALL RIGHTS OTHERWISE EXISTING BY CONTRACT  
18 OR BY LAW AGAINST PARTIES OTHER THAN THE COUNTY WITH RESPECT TO  
19 THE FINANCED ENERGY EFFICIENCY IMPROVEMENT OR RENEWABLE  
20 ENERGY IMPROVEMENT.

21 **SECTION 33.** 31-25-534 (1), Colorado Revised Statutes, is  
22 amended, and the said 31-25-534 is further amended BY THE  
23 ADDITION OF A NEW SUBSECTION, to read:

24 **31-25-534. Issuing bonds - property specially benefited.**  
25 (1) For the purpose of paying all or such portion of the cost of any  
26 improvement constructed under ~~the provisions of this part 5~~ as may be  
27 assessed against the property specially benefited, special assessment

1 bonds of the municipality may be issued of such date, in such form, and  
2 on such terms, including, without limitation, provisions for their sale,  
3 payment, and redemption, as may be prescribed by the governing body,  
4 bearing the name of the street, alley, or district improved and payable in  
5 a sufficient period of years after SUCH date to cover the period of payment  
6 provided and in convenient denominations. All such bonds shall be  
7 issued upon estimates approved by the governing body, and the municipal  
8 treasurer shall preserve a record of the same in a suitable book kept for  
9 that purpose. All such bonds shall be subscribed by the mayor,  
10 countersigned by the municipal treasurer, with the corporate seal thereto  
11 affixed, and attested by the clerk. Such bonds shall be payable out of the  
12 moneys collected on account of the assessments made for said  
13 improvements, FROM RESERVE ACCOUNTS, IF ANY, ESTABLISHED TO  
14 SECURE PAYMENT OF SUCH BONDS, AND FROM ANY OTHER LEGALLY  
15 AVAILABLE MONEYS. Whenever three-fourths of the bonds for an  
16 improvement constructed under ~~the provisions of this part 5~~ have been  
17 paid and cancelled and for any reason ~~the~~ ANY remaining assessments are  
18 not paid in time to pay the remaining bonds for the district and the interest  
19 due thereon, the municipality ~~shall~~ MAY pay, ~~if so provided in the~~  
20 ~~ordinance authorizing issuance of the bonds~~ FROM LEGALLY AVAILABLE  
21 MONEYS, the bonds when due and the interest due thereon and reimburse  
22 itself by collecting the unpaid assessments due the district. All moneys  
23 collected from such assessments for any improvement shall be applied to  
24 the payment of the bonds issued until payment in full is made of all the  
25 bonds, both principal and interest, OR TO FUND OR REPLENISH RESERVE  
26 ACCOUNTS, IF ANY, ESTABLISHED TO SECURE THE PAYMENT OF SUCH  
27 BONDS. The bonds may be used in payment of the cost of the

1 improvement as specified; or the governing body, upon advertisement  
2 published at least once in a newspaper of general circulation in such  
3 municipality and in such other newspapers as may be designated by the  
4 governing body, may sell a sufficient number of said bonds to pay such  
5 cost in cash for the best bid submitted in accordance with the terms of the  
6 notice of sale. All bids may be rejected at the discretion of the governing  
7 body. In addition, the bonds may be sold on such terms and conditions  
8 at a private sale if determined by the governing body to be in the best  
9 interests of the municipality.

10 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5,  
11 ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,  
12 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN  
13 SECTION 31-25-502 (2) MAY BE AUTHORIZED TO ISSUE ONE OR MORE  
14 SERIES OF BONDS, AND BONDS OF ANY SUCH DISTRICT MAY BE PAYABLE  
15 FROM THE ASSESSMENTS LEVIED PURSUANT TO ONE OR MORE ASSESSMENT  
16 ORDINANCES.

17 **SECTION 34. Applicability.** This act shall apply to acts  
18 occurring on or after the effective date of this act.

19 **SECTION 35. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.