

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0876.01 Thomas Morris

HOUSE BILL 08-1350

HOUSE SPONSORSHIP

Madden,

SENATE SPONSORSHIP

Romer,

House Committees
Transportation & Energy

Senate Committees
Local Government

A BILL FOR AN ACT

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

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.

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.

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 to read:

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

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

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

22 **30-11-107.3. Incentives for installation of renewable energy**
23 **fixtures - definitions.** (2) For purposes of this section, unless the
24 context otherwise requires:

25 (b) "Renewable energy fixture" means any fixture, product,
26 system, device, or interacting group of devices that produces electricity
27 ENERGY from renewable resources, including, but not limited to,

1 photovoltaic systems, solar thermal systems, small wind systems, biomass
2 systems, or geothermal systems.

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

5 **40-9.7-108. Colorado clean energy development authority**
6 **fund - creation - authorization of projects.** (1) The AUTHORITY SHALL
7 CREATE A Colorado clean energy development authority fund ~~is hereby~~
8 ~~created in the state treasury~~ IN A FINANCIAL INSTITUTION WITHIN OR
9 OUTSIDE THE STATE. The following moneys, together with any other
10 moneys appropriated by the general assembly, shall be credited to the
11 fund subject to agreements with the holders of bonds, financing
12 agreements, contracts, agreements, or other obligations of the authority
13 authorized by this article:

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

17 **30-20-601.5. Legislative declaration - inclusion of energy**
18 **efficiency and renewable energy production projects in local**
19 **improvement districts.** (1) THE GENERAL ASSEMBLY FINDS,
20 DETERMINES, AND DECLARES THAT:

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

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

1 NATION.

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

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

13 **30-20-602. Definitions.** As used in this part 6, unless the context
14 otherwise requires:

15 (2.8) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN
16 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY
17 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND
18 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

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

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

26 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

27 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND

1 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS
2 OR CENTRAL PLANTS;

3 (e) CAULKING AND WEATHERSTRIPPING;

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

9 (g) ENERGY RECOVERY SYSTEMS;

10 (h) DAYLIGHTING SYSTEMS; AND

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

13 (4.7) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,
14 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES
15 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL AND COMMERCIAL
16 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,
17 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR
18 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR
19 GEOTHERMAL SYSTEMS, AS MAY BE INCLUDED IN THE APPROVAL OF THE
20 DISTRICT BY THE BOARD; EXCEPT THAT NO RENEWABLE ENERGY
21 IMPROVEMENT SHALL BE AUTHORIZED THAT INTERFERES WITH A RIGHT
22 HELD BY A PUBLIC UTILITY UNDER A CERTIFICATE ISSUED BY THE PUBLIC
23 UTILITIES COMMISSION UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC
24 UTILITIES COMMISSION SHALL HAVE PRIMARY JURISDICTION TO
25 ADJUDICATE DISPUTES AS TO WHETHER A RENEWABLE ENERGY
26 IMPROVEMENT INTERFERES WITH SUCH A RIGHT.

27 **SECTION 10.** 30-20-603 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **30-20-603. Improvements authorized - how instituted -**
3 **conditions.** (1) (e) THE IMPROVEMENTS AUTHORIZED BY THIS PART 6
4 MAY INCLUDE, WHERE SPECIFIED OR GENERALLY PROVIDED FOR IN THE
5 RESOLUTION OF THE BOARD APPROVING THE DISTRICT, ANY RENEWABLE
6 ENERGY IMPROVEMENT OR ENERGY EFFICIENCY IMPROVEMENT TO ANY
7 RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN THE DISTRICT.

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

10 **30-20-603. Improvements authorized - how instituted -**
11 **conditions.** (11.5) ANY OTHER PROVISION OF THIS PART 6
12 NOTWITHSTANDING, THE BOARD MAY INITIATE AN IMPROVEMENT DISTRICT
13 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
14 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY PARAGRAPH (e) OF
15 SUBSECTION (1) OF THIS SECTION. ANY SUCH DISTRICT SHALL INCLUDE
16 ONLY PROPERTY FOR WHICH THE OWNER HAS EXECUTED A CONTRACT OR
17 AGREEMENT CONSENTING TO THE INCLUSION OF SUCH PROPERTY WITHIN
18 THE DISTRICT, AND SUCH CONSENT MAY OCCUR SUBSEQUENT TO THE
19 ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT.
20 THE INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO
21 THE ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT
22 MAY BE MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING
23 RESOLUTION OF THE BOARD. FOR DISTRICTS FORMED FOR THE PURPOSE OF
24 ENCOURAGING, ACCOMMODATING, AND FINANCING RENEWABLE ENERGY
25 IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS, THE PROVISIONS
26 OF SUBSECTIONS (4) AND (5) OF THIS SECTION CONCERNING COMPETITIVE
27 BIDDING AND PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION

1 30-20-601 CONCERNING CONSTRUCTION UNDER THE DIRECTION OF
2 COUNTY OFFICERS, OF SECTION 30-20-622 CONCERNING CONTRACTS FOR
3 CONSTRUCTION, AND OF SECTION 30-20-623 CONCERNING CONTRACT
4 PROVISIONS SHALL NOT APPLY. FOR SUCH DISTRICTS, THE OWNER OF
5 PROPERTY WITHIN A DISTRICT MAY ARRANGE IMPROVEMENTS THAT
6 QUALIFY PURSUANT TO THE RESOLUTION OF THE BOARD AUTHORIZING
7 IMPROVEMENTS FOR THE DISTRICT AND MAY OBTAIN FINANCING FOR SAID
8 IMPROVEMENTS FROM THE DISTRICT THROUGH THE PROCESS SET FORTH IN
9 THE RESOLUTION FORMING THE DISTRICT.

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

12 **30-20-604. Cost assessed in accordance with benefits.** (4) ANY
13 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,
14 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603
15 (11.5) SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH
16 PROPERTY WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT
17 FOR THE IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED
18 INTO WITH THE OWNER OF PROPERTY, AS AUTHORIZED BY THE BOARD,
19 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE
20 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE
21 PROPERTY.

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

24 **30-20-606. Determination of special benefits - factors**
25 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED
26 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
27 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5), THE TERM

1 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED
2 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY
3 THE OWNER OF THE ASSESSED PROPERTY.

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

6 **30-20-608. Notice of apportionment.** (2) ANY DISTRICT FORMED
7 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
8 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5) SHALL NOT
9 BE REQUIRED TO PROVIDE A NOTICE OF APPORTIONMENT BY PUBLICATION;
10 RATHER, SUCH NOTICE, IF ANY, MAY BE PROVIDED IN THE TIME AND
11 MANNER SET FORTH IN THE CONTRACT OR AGREEMENT ENTERED INTO FOR
12 EACH PROPERTY INCLUDED IN THE DISTRICT.

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

16 **30-20-610. Assessment constitutes a lien - filing with county**
17 **clerk and recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED
18 INCREASES IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY
19 ASSESSMENT IMPOSED BEFORE THE COMPLETION OF THE RELATED
20 IMPROVEMENTS MAY BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS
21 OF THE SPECIAL BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF,
22 NOT MORE THAN NINETY DAYS FOLLOWING THE COMPLETION OF SUCH
23 IMPROVEMENTS, THE BOARD GIVES NOTICE OF ITS INTENT TO CONSIDER
24 THE AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE
25 THAT A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH
26 PUBLIC HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD
27 PURSUANT TO SECTIONS 30-20-608 AND 30-20-609. AT THE CONCLUSION

1 OF SUCH PUBLIC HEARING, THE BOARD MAY DETERMINE WHETHER TO
2 AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT. ANY SUCH
3 AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE ORIGINAL
4 ASSESSMENT.

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

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

15 **30-20-612. When assessments payable - installments.** All
16 special assessments for local improvements shall be due and payable
17 within thirty days after the effective date of the assessing resolution
18 without demand, but all such assessments may be paid, at the election of
19 the owner, in installments with interest as provided in section 30-20-614.
20 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN
21 SECTION 30-20-603 (11.5) MAY BE DUE AND PAYABLE AT SUCH
22 ALTERNATE TIME OR TIMES AS SET FORTH IN THE ASSESSING RESOLUTION.

23 **SECTION 17.** 30-20-613, Colorado Revised Statutes, is amended
24 to read:

25 **30-20-613. Effect of payment in installments.** Failure to pay the
26 whole assessment within said period of thirty days shall be conclusively
27 considered and held to be an election on the part of all persons interested,

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

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

16 **30-20-614. How installments paid - interest.** In case of such
17 election to pay in installments, the assessments shall be payable in two or
18 more installments of principal, the first of which installments shall be
19 payable as prescribed by the board in not more than five years and the last
20 in not more than twenty years, with interest in all cases on the unpaid
21 principal. The number and amounts of payment of installments, the
22 period of payment, and the rate and times of payment of interest shall be
23 determined by the board and set forth in the assessing resolution. The
24 times of payment of installments shall be the same as the times of
25 payment for installments of property taxes as specified in section
26 39-10-104.5 (2), C.R.S.; EXCEPT THAT ALL SPECIAL ASSESSMENTS FOR
27 LOCAL IMPROVEMENTS AUTHORIZED IN SECTION 30-20-603 (11.5) MAY BE

1 PAYABLE AT SUCH ALTERNATE TIMES AS PROVIDED BY THE BOARD IN THE
2 ASSESSING RESOLUTION AND THE BOARD MAY ENTER INTO AGREEMENTS
3 WITH THIRD PARTIES TO ASSIST THE TREASURER WITH THE
4 ADMINISTRATION AND COLLECTION OF SUCH INSTALLMENTS.

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

8 **30-20-619. Issuing bonds - property specially benefited.**

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

1 assessments for any improvement shall be applied to the payment of the
2 bonds issued, until payment in full is made of all the bonds, both principal
3 and interest, OR TO FUND OR REPLENISH RESERVE ACCOUNTS, IF ANY,
4 ESTABLISHED TO SECURE THE PAYMENT OF SUCH BONDS. The bonds may
5 be sold, under such terms and conditions as are established by the board,
6 in such amounts as will be sufficient to pay for the cost of the
7 improvements.

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

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

24 **SECTION 20.** 31-15-711 (1), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **31-15-711. Other public improvements.** (1) The governing
27 body of each municipality has the power:

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

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

12 **31-25-500.2. Legislative declaration - energy efficiency and**
13 **renewable energy production projects.** (1) THE GENERAL ASSEMBLY
14 FINDS, DETERMINES, AND DECLARES THAT:

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

18 (b) THE DEVELOPMENT, PRODUCTION, AND EFFICIENT USE OF
19 RENEWABLE ENERGY WILL ADVANCE THE SECURITY, ECONOMIC
20 WELL-BEING, AND PUBLIC AND ENVIRONMENTAL HEALTH OF THIS STATE,
21 AS WELL AS CONTRIBUTING TO THE ENERGY INDEPENDENCE OF OUR
22 NATION.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
24 DECLARES THAT THE INCLUSION OF ENERGY EFFICIENCY AND RENEWABLE
25 ENERGY PRODUCTION PROJECTS FOR RESIDENTIAL AND COMMERCIAL USE
26 IN SPECIAL IMPROVEMENT DISTRICTS, AND POWERS CONFERRED UNDER
27 THIS PART 5, AS WELL AS THE EXPENDITURES OF PUBLIC MONEYS MADE

1 PURSUANT TO THIS PART 5, WILL SERVE A VALID PUBLIC PURPOSE AND
2 THAT THE ENACTMENT OF THIS PART 5 IS EXPRESSLY DECLARED TO BE IN
3 THE PUBLIC INTEREST.

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

7 **31-25-501. Definitions.** As used in this part 5, unless the context
8 otherwise requires:

9 (1.9) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN
10 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY
11 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND
12 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

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

15 (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND
16 DOORS, HEAT-ABSORBING OR HEAT-REFLECTIVE GLAZED AND COATED
17 WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN
18 GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS
19 THAT REDUCE ENERGY CONSUMPTION;

20 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

21 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND
22 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS
23 OR CENTRAL PLANTS;

24 (e) CAULKING AND WEATHERSTRIPPING;

25 (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO
26 INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING
27 THE OVERALL ILLUMINATION OF A RESIDENTIAL OR COMMERCIAL BUILDING

1 UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO
2 THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;
3 (g) ENERGY RECOVERY SYSTEMS;
4 (h) DAYLIGHTING SYSTEMS; AND
5 (i) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING
6 APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE GOVERNING
7 BODY; EXCEPT THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE
8 AUTHORIZED THAT INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY
9 UNDER A CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION
10 UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION
11 SHALL HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO
12 WHETHER A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH
13 A RIGHT.

14 (4) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,
15 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES
16 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL OR COMMERCIAL
17 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,
18 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR
19 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR
20 GEOTHERMAL SYSTEMS, AS MAY BE AUTHORIZED BY THE GOVERNING
21 BODY.

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

24 **31-25-502. Powers to make local improvements.** (1) A district
25 may be formed in accordance with the requirements of this part 5 for the
26 purpose of constructing, installing, or acquiring any public improvement
27 so long as the municipality that forms the district is authorized to provide

1 such improvement under the municipality's home rule charter or
2 ordinance passed pursuant to such charter, if any, or the laws of this state.
3 Public improvements shall not include any facility identified in section
4 30-20-101 (8) or (9), C.R.S.

5 (2) THE IMPROVEMENTS AUTHORIZED BY THIS PART 5 MAY
6 INCLUDE, WHERE SO SPECIFIED OR GENERALLY PROVIDED FOR IN THE
7 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT, ANY
8 RENEWABLE ENERGY IMPROVEMENT OR ENERGY EFFICIENCY
9 IMPROVEMENT TO ANY RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN
10 THE DISTRICT.

11 (3) It is lawful for any municipality to construct any of the local
12 improvements mentioned in this part 5 and to assess the cost thereof,
13 wholly or in part, upon the property especially benefited by such
14 improvements. The improvements shall be authorized by ordinance duly
15 adopted and shall be constructed under the direction of the municipal
16 engineer or other officer having similar duties or under the direction of
17 the governing body in accordance with plans and specifications adopted
18 by the governing body; EXCEPT THAT FOR DISTRICTS FORMED FOR THE
19 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
20 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY
21 IMPROVEMENTS, THE OWNER OF PROPERTY WITHIN A DISTRICT MAY
22 ARRANGE IMPROVEMENTS THAT QUALIFY PURSUANT TO THE ORDINANCE
23 OF THE GOVERNING BODY AUTHORIZING IMPROVEMENTS FOR THE DISTRICT
24 AND MAY OBTAIN FINANCING FOR SAID IMPROVEMENTS FROM THE
25 DISTRICT THROUGH THE PROCESS SET FORTH IN THE ORDINANCE FORMING
26 THE DISTRICT.

27 **SECTION 24.** 31-25-503 (9), Colorado Revised Statutes, is

1 amended to read:

2 **31-25-503. What improvements may be made - conditions.**

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

9 (b) ANY OTHER PROVISION OF THIS PART 5 NOTWITHSTANDING, THE
10 GOVERNING BODY MAY CREATE AN IMPROVEMENT DISTRICT FOR THE
11 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
12 RENEWABLE ENERGY IMPROVEMENTS AND ENERGY EFFICIENCY
13 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY SECTION 31-25-502 (2).
14 ANY SUCH DISTRICT SHALL INCLUDE ONLY PROPERTY FOR WHICH THE
15 OWNER HAS EXECUTED A CONTRACT OR AGREEMENT CONSENTING TO THE
16 INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT, AND SUCH CONSENT
17 MAY OCCUR SUBSEQUENT TO THE ADOPTION OF THE ORDINANCE OF THE
18 GOVERNING BODY FORMING THE DISTRICT. THE INCLUSION OF SUCH
19 PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO THE ADOPTION OF THE
20 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT MAY BE
21 MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING ORDINANCE
22 OR RESOLUTION OF THE GOVERNING BODY. FOR DISTRICTS FORMED FOR
23 THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
24 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY
25 IMPROVEMENTS, THE PROVISIONS OF SUBSECTIONS (2) AND (3) OF THIS
26 SECTION CONCERNING PRELIMINARY ORDERS, COMPETITIVE BIDDING, AND
27 PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION 31-25-516

1 CONCERNING CONTRACTS FOR CONSTRUCTION, AND OF SECTION 31-25-518
2 CONCERNING CONTRACT PROVISIONS SHALL NOT APPLY.

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

5 **31-25-507. Determination of special benefits - factors**
6 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED
7 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
8 IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2), THE TERM
9 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED
10 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY
11 THE OWNER OF THE ASSESSED PROPERTY.

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

14 **31-25-513. Cost assessed in accordance with benefits.** (4) ANY
15 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,
16 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2)
17 SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH PROPERTY
18 WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT FOR THE
19 IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED INTO WITH
20 THE OWNER OF PROPERTY, AS AUTHORIZED BY THE GOVERNING BODY,
21 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE
22 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE
23 PROPERTY.

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

26 **31-25-520. Notice of hearing on assessments.** (1) The clerk
27 shall give notice that the assessment roll has been completed and of a

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

16 (2) ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,
17 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN
18 SECTION 31-25-502 (2) SHALL NOT BE REQUIRED TO PROVIDE A NOTICE OF
19 THE HEARING ON ASSESSMENTS BY PUBLICATION; RATHER, SUCH NOTICE,
20 IF ANY, MAY BE PROVIDED IN THE TIME AND MANNER SET FORTH IN THE
21 CONTRACT OR AGREEMENT ENTERED INTO BY THE OWNER FOR EACH
22 PROPERTY INCLUDED IN THE DISTRICT.

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

26 **31-25-522. Assessment of a lien - filing with county clerk and**
27 **recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED INCREASES

1 IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY ASSESSMENT
2 IMPOSED BEFORE THE COMPLETION OF THE RELATED IMPROVEMENTS MAY
3 BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS OF THE SPECIAL
4 BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF, NOT MORE THAN
5 NINETY DAYS FOLLOWING THE COMPLETION OF SUCH IMPROVEMENTS, THE
6 GOVERNING BODY GIVES NOTICE OF ITS INTENT TO CONSIDER THE
7 AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE THAT
8 A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH PUBLIC
9 HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD
10 PURSUANT TO SECTIONS 31-25-520 AND 31-25-521. AT THE CONCLUSION
11 OF SUCH PUBLIC HEARING, THE GOVERNING BODY MAY DETERMINE
12 WHETHER TO AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT.
13 ANY SUCH AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE
14 ORIGINAL ASSESSMENT.

15 (5) IF, AS THE RESULT OF ANY SUBDIVISION, RESUBDIVISION,
16 VACATION OF RIGHT-OF-WAY, OR OTHER ACTION TAKEN SUBSEQUENT TO
17 THE ADOPTION OF THE ASSESSMENT ORDINANCE, ANY NEW LOT OR PARCEL
18 IS CREATED WITHIN A DISTRICT, THE GOVERNING BODY MAY, WITHOUT A
19 PUBLIC HEARING AND WITH THE CONSENT OF THE OWNER OF THE NEW LOT
20 OR PARCEL, MODIFY THE ASSESSMENT ORDINANCE TO REAPPORTION ALL
21 OR ANY PART OF THE TOTAL AMOUNT ASSESSED IN THE DISTRICT TO SUCH
22 NEW LOT OR PARCEL.

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

25 **31-25-524. Payment - assessment roll returned.** (4) ALL
26 SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN
27 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE

1 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

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

4 **31-25-526. Collection of assessment payments - by municipal**
5 **treasurer - by county treasurer.** (1) The governing body may, by
6 ordinance, direct the municipal treasurer to collect any amount payable
7 as an assessment pursuant to this part 5 OR AUTHORIZE THE MUNICIPAL
8 TREASURER OR OTHER APPROPRIATE MUNICIPAL OFFICIAL TO ENTER INTO
9 CONTRACTS WITH THIRD PARTIES FOR ASSISTANCE IN THE ADMINISTRATION
10 AND COLLECTION OF ASSESSMENTS. If the governing body does not direct,
11 by ordinance, that assessment payments be collected by the municipal
12 treasurer, then such payments shall be collected by the county treasurer.

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

15 **31-25-527. When assessments payable - installments.** All
16 special assessments for local improvements shall be due and payable
17 within thirty days after the final publication of the assessing ordinance
18 without demand; but all such assessments may be paid, at the election of
19 the owner, in installments with interest as provided in section 31-25-528.
20 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN
21 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE
22 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

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

25 **31-25-529. Effect of payment in installments.** Failure to pay the
26 whole assessment within said period of thirty days shall be conclusively
27 considered to be an election on the part of all persons interested, whether

1 under disability or otherwise, to pay in installments. All persons so
2 electing to pay in installments shall be conclusively considered to have
3 consented to said improvements. Such election shall be conclusively
4 considered to be a waiver of any right to question the power or
5 jurisdiction of the municipality to construct the improvements, the quality
6 of the work, the regularity or sufficiency of the proceedings, the validity
7 or the correctness of the assessments, or the validity of the lien thereof;
8 EXCEPT THAT WITH RESPECT TO LOCAL IMPROVEMENTS AUTHORIZED IN
9 SECTION 31-25-502 (2), THE OWNER FOR EACH PROPERTY INCLUDED IN THE
10 DISTRICT SHALL RETAIN ALL RIGHTS OTHERWISE EXISTING BY CONTRACT
11 OR BY LAW AGAINST PARTIES OTHER THAN THE COUNTY WITH RESPECT TO
12 THE FINANCED ENERGY EFFICIENCY IMPROVEMENT OR RENEWABLE
13 ENERGY IMPROVEMENT.

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

17 **31-25-534. Issuing bonds - property specially benefited.**
18 (1) For the purpose of paying all or such portion of the cost of any
19 improvement constructed under ~~the provisions of this part 5~~ as may be
20 assessed against the property specially benefited, special assessment
21 bonds of the municipality may be issued of such date, in such form, and
22 on such terms, including, without limitation, provisions for their sale,
23 payment, and redemption, as may be prescribed by the governing body,
24 bearing the name of the street, alley, or district improved and payable in
25 a sufficient period of years after SUCH date to cover the period of payment
26 provided and in convenient denominations. All such bonds shall be
27 issued upon estimates approved by the governing body, and the municipal

1 treasurer shall preserve a record of the same in a suitable book kept for
2 that purpose. All such bonds shall be subscribed by the mayor,
3 countersigned by the municipal treasurer, with the corporate seal thereto
4 affixed, and attested by the clerk. Such bonds shall be payable out of the
5 moneys collected on account of the assessments made for said
6 improvements, FROM RESERVE ACCOUNTS, IF ANY, ESTABLISHED TO
7 SECURE PAYMENT OF SUCH BONDS, AND FROM ANY OTHER LEGALLY
8 AVAILABLE MONEYS. Whenever three-fourths of the bonds for an
9 improvement constructed under ~~the provisions of this part 5~~ have been
10 paid and cancelled and for any reason ~~the~~ ANY remaining assessments are
11 not paid in time to pay the remaining bonds for the district and the interest
12 due thereon, the municipality ~~shall~~ MAY pay, ~~if so provided in the~~
13 ~~ordinance authorizing issuance of the bonds~~ FROM LEGALLY AVAILABLE
14 MONEYS, the bonds when due and the interest due thereon and reimburse
15 itself by collecting the unpaid assessments due the district. All moneys
16 collected from such assessments for any improvement shall be applied to
17 the payment of the bonds issued until payment in full is made of all the
18 bonds, both principal and interest, OR TO FUND OR REPLENISH RESERVE
19 ACCOUNTS, IF ANY, ESTABLISHED TO SECURE THE PAYMENT OF SUCH
20 BONDS. The bonds may be used in payment of the cost of the
21 improvement as specified; or the governing body, upon advertisement
22 published at least once in a newspaper of general circulation in such
23 municipality and in such other newspapers as may be designated by the
24 governing body, may sell a sufficient number of said bonds to pay such
25 cost in cash for the best bid submitted in accordance with the terms of the
26 notice of sale. All bids may be rejected at the discretion of the governing
27 body. In addition, the bonds may be sold on such terms and conditions

1 at a private sale if determined by the governing body to be in the best
2 interests of the municipality.

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

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

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