

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0137.01 Jason Gelender

HOUSE BILL 08-1092

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

Johnson,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN ALTERNATIVE MEANS OF INITIATING THE FORMATION
102 OF A REGIONAL TRANSPORTATION AUTHORITY.

Bill Summary

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

Allows the formation of a regional transportation authority to be proposed by petition. Specifies information required to be included in and signature requirements for a petition.

If a sufficient petition is submitted to the county clerk and recorder of each county that includes territory of the proposed authority, requires the submission of a ballot question authorizing the creation of the authority to the registered electors of the territory of the proposed

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.

authority at the next general election or at a biennial local district election. If the authority is to impose taxes or incur debt, also requires the simultaneous submission of applicable ballot questions authorizing the taxes or debt. Specifies the form of ballot questions.

If the voters authorize the creation of an authority, requires the members of the combination that will compose the authority to enter into a contract creating the authority within 90 days following the certification of the authorizing vote. Requires the contract to meet all requirements set forth in a specified existing statute, and requires the combination to provide copies of the contract to entities, hold public hearings, and take other actions as required by a specified existing statute. Specifies that the contract takes effect upon its execution by the governing bodies of the combination, and prohibits an authority or any member of the combination from imposing any taxes or incurring any debt approved by the voters until the contract creating the authority has taken effect.

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

2 **SECTION 1.** Part 6 of article 4 of title 43, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **43-4-603.5. Creation of authorities - initiation by petition.**

6 (1) IN ADDITION TO THE MEANS OF CREATING AN AUTHORITY SPECIFIED
7 IN SECTION 43-4-603, THE REGISTERED ELECTORS OF THE MEMBERS OF
8 ANY COMBINATION MAY PROPOSE THE CREATION OF AN AUTHORITY BY
9 SUBMITTING TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY
10 THAT INCLUDES TERRITORY OF THE PROPOSED AUTHORITY A PETITION
11 SIGNED BY AT LEAST FIVE PERCENT OF THE REGISTERED ELECTORS OF
12 EACH COUNTY OR MUNICIPAL MEMBER OF THE COMBINATION, AS
13 DETERMINED BY REFERENCE TO THE REGISTRATION LIST, AS DEFINED IN
14 SECTION 1-1-104 (37), C.R.S., WITHIN THE ONE HUNDRED EIGHTY DAYS
15 PRECEDING THE SUBMISSION OF THE PETITION. THE PETITION SHALL
16 INCLUDE:

17 (a) THE NAME AND PURPOSE OF THE PROPOSED AUTHORITY;

1 (b) A WRITTEN LEGAL DESCRIPTION OF THE BOUNDARIES OF THE
2 PROPOSED AUTHORITY, AND, IF FEASIBLE, A NONTECHNICAL DESCRIPTION
3 OF THE BOUNDARIES THAT ENABLES AN AVERAGE PERSON TO READILY
4 IDENTIFY THE TERRITORY TO BE INCLUDED WITHIN THE PROPOSED
5 AUTHORITY;

6 (c) A DESCRIPTION OF ANY TAXES PROPOSED TO BE IMPOSED OR
7 BONDED INDEBTEDNESS PROPOSED TO BE INCURRED BY THE AUTHORITY
8 FOR WHICH VOTER APPROVAL IS REQUIRED PURSUANT TO SECTION
9 43-4-612; AND

10 (d) IN CONNECTION WITH EACH SIGNATURE, THE RESIDENTIAL
11 ADDRESS OF THE SIGNER AND THE DATE OF THE SIGNATURE.

12 (2) (a) ANY PETITION THAT SUBSTANTIALLY COMPLIES WITH THE
13 PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL BE DEEMED
14 SUFFICIENT. IF A SUFFICIENT PETITION IS SUBMITTED, SEPARATE BALLOT
15 QUESTIONS REGARDING THE ESTABLISHMENT OF THE AUTHORITY AND
16 AUTHORIZATION FOR ANY TAXES PROPOSED TO BE IMPOSED OR DEBT
17 PROPOSED TO BE INCURRED BY THE AUTHORITY, OR BOTH, SHALL BE
18 SUBMITTED SIMULTANEOUSLY TO THE REGISTERED ELECTORS RESIDING
19 WITHIN THE TERRITORY OF THE PROPOSED AUTHORITY AT THE NEXT
20 GENERAL ELECTION OR, AT THE DISCRETION OF THE GOVERNING BODIES OF
21 THE MEMBERS OF THE COMBINATION THAT WILL COMPOSE THE
22 AUTHORITY, AT A BIENNIAL LOCAL DISTRICT ELECTION.

23 (b) A BALLOT QUESTION AUTHORIZING THE CREATION OF A
24 PROPOSED AUTHORITY SHALL BE SUBSTANTIALLY AS FOLLOWS:

25 "SHALL THE (NAME OF THE PROPOSED AUTHORITY) CONSISTING OF
26 (NONTECHNICAL DESCRIPTION OF THE TERRITORY OF THE PROPOSED
27 AUTHORITY IF FEASIBLE OR LEGAL DESCRIPTION OF SUCH TERRITORY

1 OTHERWISE) BE CREATED FOR THE PURPOSE OF (PURPOSE OF THE
2 AUTHORITY AS SPECIFIED IN THE PETITION FOR ITS CREATION)?"

3 (c) A BALLOT QUESTION AUTHORIZING THE IMPOSITION OF ONE OR
4 MORE TAXES SHALL BE SUBSTANTIALLY AS FOLLOWS:

5 "SHALL (NAME OF AUTHORITY) TAXES BE INCREASED (FIRST, OR IF
6 PHASED IN, FINAL, FULL FISCAL-YEAR DOLLAR INCREASE) ANNUALLY
7 THROUGH THE IMPOSITION OF (TYPE(S) AND RATE(S) OF THE TAX OR TAXES
8 TO BE AUTHORIZED) ONLY IF REFERENDUM (ALPHANUMERIC IDENTIFIER
9 FOR THE REFERENDUM TO AUTHORIZE THE CREATION OF THE AUTHORITY)
10 IS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS VOTING ON
11 THE REFERENDUM AND THE (NAME OF AUTHORITY) IS CREATED?"

12 (d) A BALLOT QUESTION FOR THE INCURRENCE OF DEBT SHALL BE
13 SUBSTANTIALLY AS FOLLOWS:

14 "SHALL (NAME OF AUTHORITY) DEBT BE INCREASED (PRINCIPAL
15 AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL AUTHORITY
16 COST) FOR THE PURPOSE OF FINANCING (THE REGIONAL TRANSPORTATION
17 SYSTEM OR PROJECT TO BE FINANCED) ONLY IF REFERENDUM(S)
18 (ALPHANUMERIC IDENTIFIER FOR THE REFERENDUM TO AUTHORIZE THE
19 CREATION OF THE AUTHORITY AND, IF APPLICABLE, THE REFERENDUM(S)
20 TO IMPOSE A TAX OR TAXES TO BE USED TO REPAY AUTHORITY BONDS)
21 IS/ARE APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS VOTING
22 ON THE REFERENDUM(S) AND THE (NAME OF AUTHORITY) IS CREATED?"

23 (e) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (c) AND
24 (d) OF THIS SUBSECTION (2), AUTHORIZATION FOR AN AUTHORITY TO INCUR
25 DEBT AND IMPOSE A TAX TO REPAY THE DEBT MAY BE SUBMITTED IN A
26 SINGLE BALLOT QUESTION SO LONG AS THE QUESTION INCLUDES THE
27 INFORMATION INCLUDED IN THE BALLOT QUESTIONS SET FORTH IN SAID

1 PARAGRAPHS (c) AND (d). IN ADDITION, THE LANGUAGE OF THE BALLOT
2 QUESTIONS OR ANY COMBINED BALLOT QUESTION MAY BE MODIFIED TO
3 THE EXTENT NECESSARY TO COMPLY WITH REQUIREMENTS OF THE STATE
4 CONSTITUTION.

5 (f) THE AUTHORITY SHALL NOT BE ESTABLISHED UNLESS A
6 MAJORITY OF THE REGISTERED ELECTORS VOTING THEREON AT THE
7 ELECTION VOTE IN FAVOR THEREOF. THE ELECTION SHALL BE CONDUCTED
8 IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS, AND THE
9 COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION
10 IS CONDUCTED SHALL ASSIST THE MEMBERS OF THE COMBINATION OF THE
11 PROPOSED AUTHORITY IN CONDUCTING THE ELECTION.

12 (3) IF THE REGISTERED ELECTORS VOTING ON A BALLOT QUESTION
13 TO CREATE AN AUTHORITY SUBMITTED PURSUANT TO SUBSECTION (2) OF
14 THIS SECTION APPROVE THE BALLOT QUESTION, THE COMBINATION, WITHIN
15 NINETY DAYS FOLLOWING THE CERTIFICATION OF THE VOTE ON THE
16 QUESTION, SHALL ENTER INTO A CONTRACT TO CREATE THE AUTHORITY.
17 THE CONTRACT SHALL MEET ALL REQUIREMENTS SPECIFIED IN SECTION
18 43-4-603 (2), AND THE COMBINATION SHALL PROVIDE COPIES OF THE
19 CONTRACT TO ENTITIES, HOLD PUBLIC HEARINGS, AND TAKE ANY OTHER
20 ACTIONS REQUIRED BY SECTION 43-4-603 (1), (1.5), AND (3). THE
21 CONTRACT CREATING THE AUTHORITY SHALL TAKE EFFECT UPON
22 EXECUTION BY ALL OF THE MEMBERS OF THE COMBINATION AND MAY BE
23 AMENDED THEREAFTER AS AUTHORIZED BY SECTION 43-4-603 (4).
24 NEITHER THE AUTHORITY NOR INDIVIDUAL MEMBERS OF THE
25 COMBINATION COMPOSING THE AUTHORITY SHALL IMPOSE ANY TAXES OR
26 INCUR ANY DEBT APPROVED PURSUANT TO SUBSECTION (2) OF THIS
27 SECTION UNTIL THE CONTRACT CREATING THE AUTHORITY HAS TAKEN

1 EFFECT.

2 **SECTION 2. Effective date.** This act shall take effect at 12:01
3 a.m. on the day following the expiration of the ninety-day period after
4 final adjournment of the general assembly that is allowed for submitting
5 a referendum petition pursuant to article V, section 1 (3) of the state
6 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
7 except that, if a referendum petition is filed against this act or an item,
8 section, or part of this act within such period, then the act, item, section,
9 or part, if approved by the people, shall take effect on the date of the
10 official declaration of the vote thereon by proclamation of the governor.