

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 09-0081.01 Esther van Mourik

HOUSE BILL 09-1005

HOUSE SPONSORSHIP

Marostica,

SENATE SPONSORSHIP

Veiga, White

House Committees
Local Government

Senate Committees
Local Government and Energy

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A SPECIAL DISTRICT TO ESTABLISH**
102 **SPECIAL IMPROVEMENT DISTRICTS WITHIN THE BOUNDARIES OF**
103 **THE SPECIAL DISTRICT.**

Bill Summary

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

With specified requirements, grants a special district the authority to establish special improvement districts within the boundaries of the special district and levy special assessments on property specially benefited by such improvements.

Specifies the methods for:

! Creating a special improvement district;

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 Unam ended
March 9, 2009

SENATE
Am ended 2nd Reading
March 6, 2009

HOUSE
3rd Reading Unam ended
February 3, 2009

HOUSE
2nd Reading Unam ended
February 2, 2009

- ! Making the improvements specified for the special improvement district; and
- ! Levying and collecting of assessments for the costs of the improvements specified for the special improvement district.

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

2 **SECTION 1.** 32-1-1101 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **32-1-1101. Common financial powers.** (1) For and on behalf
5 of the special district, the board has the following powers:

6 (g) TO ESTABLISH SPECIAL IMPROVEMENT DISTRICTS WITHIN THE
7 BOUNDARIES OF A SPECIAL DISTRICT AND LEVY SPECIAL ASSESSMENTS ON
8 PROPERTY SPECIALLY BENEFITED BY SUCH IMPROVEMENTS AS SPECIFIED
9 IN SECTION 32-1-1101.7.

10 **SECTION 2.** Part 11 of article 1 of title 32, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
12 read:

13 **32-1-1101.7. Establishment of special improvement districts**
14 **within the boundaries of a special district.** (1) A SPECIAL DISTRICT
15 MAY ESTABLISH A SPECIAL IMPROVEMENT DISTRICT WITHIN THE
16 BOUNDARIES OF THE SPECIAL DISTRICT TO FINANCE ALL OR PART OF THE
17 COSTS OF ANY IMPROVEMENTS THAT THE SPECIAL DISTRICT IS AUTHORIZED
18 TO FINANCE IF THE POWER TO LEVY ASSESSMENTS IS AUTHORIZED IN THE
19 SPECIAL DISTRICT'S SERVICE PLAN OR STATEMENT OF PURPOSES OR
20 APPROVED IN WRITING BY THE COUNTY OR MUNICIPALITY THAT APPROVED
21 THE SPECIAL DISTRICT'S SERVICE PLAN OR ACCEPTED THE SPECIAL
22 DISTRICT'S STATEMENT OF PURPOSES.

23 (2) IF A SPECIAL IMPROVEMENT DISTRICT IS ESTABLISHED WITHIN

1 THE BOUNDARIES OF A SPECIAL DISTRICT, ASSESSMENTS SHALL BE LEVIED
2 ON A FRONTAGE, AREA, ZONE, OR OTHER EQUITABLE BASIS AND ONLY:

3 (a) WITH THE WRITTEN CONSENT OF ONE HUNDRED PERCENT OF
4 THE OWNERS OF THE PROPERTY TO BE ASSESSED; OR

5 (b) UPON APPROVAL OF A MAJORITY OF THE ELIGIBLE ELECTORS,
6 AS DEFINED IN SECTION 32-1-103 (5), WITHIN THE SPECIAL IMPROVEMENT
7 DISTRICT VOTING THEREON.

8 (3) THE METHOD OF CREATING A SPECIAL IMPROVEMENT DISTRICT,
9 MAKING THE IMPROVEMENTS SPECIFIED FOR THE SPECIAL IMPROVEMENT
10 DISTRICT, AND THE LEVYING AND COLLECTING OF ASSESSMENTS FOR THE
11 COSTS OF THE IMPROVEMENTS SPECIFIED FOR THE SPECIAL IMPROVEMENT
12 DISTRICT SHALL BE AS PROVIDED IN PART 5 OF ARTICLE 25 OF TITLE 31,
13 C.R.S., AS AMENDED, SUBJECT TO THE FOLLOWING:

14 (a) THE SPECIAL DISTRICT SHALL HAVE ALL THE RIGHTS, POWERS,
15 AND DUTIES OF THE MUNICIPALITY AS SET FORTH IN PARTS 5 AND 11 OF
16 ARTICLE 25 OF TITLE 31, C.R.S.

17 (b) THE BOARD SHALL PERFORM THE DUTIES OF THE GOVERNING
18 BODY AS SET FORTH IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S.

19 (c) THE CHAIRMAN AND PRESIDENT OF THE SPECIAL DISTRICT
20 SHALL PERFORM THE DUTIES OF THE MAYOR AS SET FORTH IN PART 5 OF
21 ARTICLE 25 OF TITLE 31, C.R.S.

22 (d) THE SECRETARY OF THE SPECIAL DISTRICT SHALL PERFORM THE
23 DUTIES OF THE MUNICIPAL CLERK AS SET FORTH IN PART 5 OF ARTICLE 25
24 OF TITLE 31, C.R.S.

25 (e) THE BOARD SHALL APPOINT A PERSON TO PERFORM THE DUTIES
26 OF THE MUNICIPAL TREASURER AS SET FORTH IN PART 5 OF ARTICLE 25 OF
27 TITLE 31, C.R.S.

1 (f) ALL ACTIONS BY THE BOARD PURSUANT TO THE PROVISIONS OF
2 PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S., SHALL BE BY RESOLUTION,
3 NOTWITHSTANDING ANY REFERENCE IN SAID PART 5 TO ACTION BY
4 ORDINANCE.

5 (g) ANY BONDS PAYABLE FROM THE ASSESSMENTS SHALL BE
6 APPROVED BY A MAJORITY OF THE ELIGIBLE ELECTORS, AS DEFINED IN
7 SECTION 32-1-103 (5), VOTING ON THE QUESTION OF ISSUING SUCH BONDS.
8 THE BOARD MAY DETERMINE BY RESOLUTION WHETHER THE ELIGIBLE
9 ELECTORS VOTING ON THE QUESTION SHALL BE:

10 (I) THE ELIGIBLE ELECTORS OF THE SPECIAL DISTRICT; OR

11 (II) THE ELIGIBLE ELECTORS OF THE SPECIAL IMPROVEMENT
12 DISTRICT.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.