

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 13, 2012  
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB12-1157 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 32-1-203, **amend**  
3 (3.5) (a) as follows:  
4 **32-1-203. Action on service plan - criteria.** (3.5) (a) The board  
5 of county commissioners may exclude territory from a proposed special  
6 district prior to approval of the service plan submitted by the petitioners  
7 of a proposed special district. The petitioners shall have the burden of  
8 proving that the exclusion of the property is not in the best interests of the  
9 proposed special district. Any person owning property in the proposed  
10 special district who requests that his or her property be excluded from the  
11 special district prior to approval of the service plan shall submit the  
12 request to the board of county commissioners no later than ten days prior  
13 to the hearing held under section 32-1-204, but the board of county  
14 commissioners shall not be limited in its action with respect to exclusion  
15 of territory based upon the request. Any request for exclusion SHALL  
16 INCLUDE A LEGAL DESCRIPTION OF THE PROPERTY SOUGHT TO BE  
17 EXCLUDED AND shall be acted upon before final action of the county  
18 commissioners under section 32-1-205."

19 Renumber succeeding sections accordingly.

20 Page 2, strike lines 6 through 9 and substitute "section 32-1-204 (1), if  
21 ~~such party had appeared and presented its objections before the board of~~

1 ~~county commissioners~~ WHO IS EITHER A TAXPAYER OF THE PROPOSED  
2 SPECIAL DISTRICT OR AN ELIGIBLE ELECTOR OF THE PROPOSED SPECIAL  
3 DISTRICT shall be given".

4 Page 3, after line 10 insert:

5 "SECTION 4. In Colorado Revised Statutes, 32-1-305, **amend** (3)  
6 as follows:

7 **32-1-305. Court hearing - election - declaration of**  
8 **organization.** (3) Except as otherwise provided in section 32-1-304.5,  
9 anytime after the filing of the petition for the organization of a special  
10 district but no later than ten days before the day fixed for the hearing  
11 thereon, the owner of any real property within the proposed special  
12 district may file a petition with the court stating reasons why said property  
13 should not be included therein and requesting that said real property be  
14 excluded therefrom. The petition shall be duly verified and shall ~~describe~~  
15 INCLUDE A LEGAL DESCRIPTION OF the property sought to be excluded.  
16 The court shall hear the petition and all objections thereto at the time of  
17 the hearing on the petition for organization and shall determine whether,  
18 in the best public interest, the property should be excluded or included in  
19 the proposed special district. The court shall exclude property located in  
20 any home rule municipality in respect to which a petition for exclusion  
21 has been filed by the municipality.".

22 Renumber succeeding sections accordingly.

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