

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0277.01 Gregg Fraser x4325

SENATE BILL 12-101

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Bradford,

Senate Committees

Local Government
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A LOCAL IMPROVEMENT DISTRICT,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill modifies certain provisions of the law governing county and city and county local improvement districts (districts) to make the provisions consistent with the law governing improvement districts. **Section 1** of the bill allows a district in which a sales tax is levied to include noncontiguous areas.

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
Amended 2nd Reading
April 24, 2012

Section 2 allows a district to use sales tax revenues for the organization, promotion, marketing, and management of public events. It further specifies procedures for a property owner to petition to be included in or excluded from a district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-20-602, **amend**
3 (2) as follows:

4 **30-20-602. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (2) "District" means the geographical division of the county or
7 counties within which any local improvements are made or proposed,
8 when so declared by resolution of the board. ~~Except for a district in the~~
9 ~~unincorporated area of a county in which a sales tax is levied pursuant to~~
10 ~~section 30-20-604.5,~~ There may be noncontiguous parts or sections of a
11 county included in one district, but no district shall include territory that
12 is included in an undissolved district that was formed for the same type
13 of improvement. Notwithstanding any other provision of this part 6 and
14 except in the case of a district formed prior to December 31, 2002, by a
15 city that has been authorized to become a city and county pursuant to an
16 amendment to the state constitution that has been approved by the
17 registered electors of the state of Colorado, no district in which a sales tax
18 is levied pursuant to section 30-20-604.5 shall be formed that includes
19 territory within a municipality, and any such district shall be as compact
20 as possible. Except as provided in section 30-20-603 (11.5) (b) (I), no
21 district that crosses county boundaries may be formed by
22 intergovernmental agreement or otherwise.

23 **SECTION 2.** In Colorado Revised Statutes, 30-20-603, **amend**

1 (1) (c); and **add** (2.5) as follows:

2 **30-20-603. Improvements and funding authorized - how**
3 **instituted - conditions.** (1) (c) If any improvement or transportation
4 services authorized by this subsection (1) are funded by sales tax, the tax
5 may also be used for the operation and maintenance of such improvement
6 or services, ~~and~~ for the production and distribution of informational
7 products and materials, AND FOR THE ORGANIZATION, PROMOTION,
8 MARKETING, AND MANAGEMENT OF PUBLIC EVENTS.

9 (2.5) (a) THE BOUNDARIES OF ANY DISTRICT ORGANIZED UNDER
10 THE PROVISIONS OF THIS PART 6 MAY BE CHANGED IN THE MANNER
11 PRESCRIBED IN THIS SUBSECTION (2.5); EXCEPT THAT THE CHANGE OF
12 BOUNDARIES OF THE DISTRICT SHALL NOT IMPAIR OR AFFECT THE
13 DISTRICT'S ORGANIZATION OR RIGHTS IN OR TO PROPERTY OR ANY OF THE
14 DISTRICT'S RIGHTS OR PRIVILEGES WHATSOEVER, NOR SHALL THE CHANGE
15 AFFECT OR IMPAIR OR DISCHARGE ANY CONTRACT, OBLIGATION, LIEN, OR
16 CHARGE FOR OR UPON WHICH THE DISTRICT MIGHT BE LIABLE OR
17 CHARGEABLE HAD ANY SUCH CHANGE OF BOUNDARIES NOT BEEN MADE.
18 THE OWNERS OF PROPERTY PROPOSED TO BE INCLUDED OR EXCLUDED MAY
19 FILE A PETITION WITH THE BOARD, IN WRITING, REQUESTING THAT SUCH
20 PROPERTY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT. THE
21 PETITION SHALL DESCRIBE THE PROPERTY OWNED BY THE PETITIONERS
22 AND SHALL BE VERIFIED. THE PETITION SHALL BE ACCOMPANIED BY A
23 DEPOSIT OF MONEYS SUFFICIENT TO PAY ALL COSTS OF THE INCLUSION OR
24 EXCLUSION PROCEEDINGS. THE COUNTY CLERK AND RECORDER SHALL
25 CAUSE NOTICE OF THE FILING OF SUCH PETITION TO BE GIVEN AND
26 PUBLISHED, WHICH NOTICE SHALL STATE THE FILING OF SUCH PETITION,
27 THE NAMES OF THE PETITIONERS, DESCRIPTIONS OF THE PROPERTY SOUGHT

1 TO BE INCLUDED OR EXCLUDED, AND THE REQUEST OF SAID PETITIONERS.

2 (b) THE NOTICE OF THE FILING OF A PETITION REQUIRED BY
3 PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL INFORM ALL PERSONS
4 HAVING OBJECTIONS TO APPEAR AT THE TIME AND PLACE STATED IN SAID
5 NOTICE AND SHOW CAUSE WHY THE PETITION SHOULD NOT BE GRANTED.
6 THE BOARD, AT THE TIME AND PLACE MENTIONED IN THE NOTICE OR AT
7 ANY TIME TO WHICH THE HEARING MAY BE ADJOURNED, SHALL PROCEED
8 TO HEAR THE PETITION AND ALL OBJECTIONS THERETO THAT MAY BE
9 PRESENTED BY ANY PERSON SHOWING CAUSE WHY SAID PETITION SHOULD
10 NOT BE GRANTED. THE FAILURE OF ANY INTERESTED PERSON TO SHOW
11 CAUSE SHALL BE DEEMED AS AN ASSENT ON THE PERSON'S PART TO THE
12 INCLUSION OR EXCLUSION OF SUCH PROPERTY AS REQUESTED IN THE
13 PETITION.

14 (c) THE BOARD SHALL TAKE INTO CONSIDERATION AND MAKE A
15 FINDING REGARDING ALL OF THE FOLLOWING FACTORS WHEN
16 DETERMINING WHETHER TO GRANT OR DENY THE PETITION:

17 (I) THE BEST INTERESTS OF ALL OF THE FOLLOWING:

18 (A) THE PROPERTY TO BE INCLUDED OR EXCLUDED IN THE LOCAL
19 IMPROVEMENT DISTRICT;

20 (B) THE LOCAL IMPROVEMENT DISTRICT FOR WHICH THE CHANGE
21 OF BOUNDARIES IS PROPOSED;

22 (C) THE COUNTY OR COUNTIES IN WHICH THE LOCAL
23 IMPROVEMENT DISTRICT IS LOCATED;

24 (II) THE RELATIVE COST AND BENEFIT TO THE PROPERTY TO BE
25 INCLUDED IN OR EXCLUDED FROM THE DISTRICT;

26 (III) THE ABILITY OF THE LOCAL IMPROVEMENT DISTRICT TO
27 PROVIDE ECONOMICAL AND SUFFICIENT IMPROVEMENTS OR SERVICES TO

1 BOTH THE PROPERTY TO BE INCLUDED OR EXCLUDED AND ALL OF THE
2 PROPERTIES WITHIN THE DISTRICT'S BOUNDARIES.

3 (d) IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT
4 ADVERSELY AFFECT THE DISTRICT AND IF THE PETITION IS GRANTED, THE
5 BOARD SHALL ADOPT AN ORDINANCE CHANGING THE BOUNDARIES OF THE
6 DISTRICT ACCORDINGLY AND FILE A CERTIFIED COPY OF THE ORDINANCE
7 WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE
8 PROPERTY IS LOCATED. THEREUPON, SAID PROPERTY IS INCLUDED IN OR
9 EXCLUDED FROM THE DISTRICT AS APPLICABLE.

10 (e) ALL PROPERTY INCLUDED IN OR EXCLUDED FROM A DISTRICT IS
11 SUBJECT TO THE LEVY OF TAXES, ASSESSMENTS, OR BOTH, FOR THE
12 PAYMENT OF THE PROPERTY'S PROPORTIONATE SHARE OF ANY
13 INDEBTEDNESS OF THE DISTRICT OUTSTANDING AT THE TIME OF THE
14 PROPERTY'S INCLUSION OR EXCLUSION.

15 **SECTION 3. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 general fund not otherwise appropriated, to the department of revenue, for
18 the fiscal year beginning July 1, 2012, the sum of \$24,366, or so much
19 thereof as may be necessary, to be allocated for the implementation of this
20 act as follows:

21 (a) \$2,166 to the taxation business group, taxpayer service
22 division for personal services; and

23 (b) \$22,200 for the purchase of computer center services.

24 (2) In addition to any other appropriation, there is hereby
25 appropriated to the governor - lieutenant governor - state planning and
26 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$22,200,
27 or so much thereof as may be necessary, for allocation to the office of

1 information technology, for the provision of computer center services for
2 the department of revenue related to the implementation of this act. Said
3 sum is from reappropriated funds received from the department of
4 revenue out of the appropriation made in paragraph (b) of subsection (1)
5 of this section.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.