

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0749.01 Bob Lackner x4350

SENATE BILL 15-135

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SENATE SPONSORSHIP

Martinez Humenik and Jahn, Hodge, Holbert, Todd

HOUSE SPONSORSHIP

(None),

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Senate Committees

Local Government

House Committees

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A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING  
102 URBAN REDEVELOPMENT AFFECTING PUBLIC BODIES IN  
103 CONNECTION WITH URBAN RENEWAL PROJECTS.

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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/bills summaries>.)*

The bill makes the following modifications to the "Urban Renewal Law" (URL):

- ! **Section 1** of the bill increases the maximum number of allowable commissioners on an urban renewal authority from 11 to 13. The bill specifies that one commissioner on

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.*

the authority may, if the county so chooses, be appointed by the board of county commissioners of the county within the territorial boundaries of which the urban renewal area is located. The bill specifies additional procedures if the urban renewal area is located within the boundaries of more than one county. The bill specifies additional requirements governing the appointment of this commissioner position.

! In the case of the special fund established for the collection of taxes to implement tax increment financing by the authority, **section 2** of the bill requires all moneys remaining in the fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body within the boundaries of the urban renewal area to be repaid to each taxing body, other than the municipality, based on the pro rata share of the total mill levy attributable to each taxing body's mill levy in the last year in which property taxes were divided. Any funds remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement.

! **Section 3** of the bill allows a commissioner of the authority to be appointed by the board of county commissioners where the governing body of the municipality is the authority.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-25-104, **amend**

3 (2) (a) and (2) (b) as follows:

4 **31-25-104. Urban renewal authority.** (2) (a) (I) An authority  
5 ~~shall consist~~ CONSISTS of any odd number of commissioners which ~~shall~~  
6 MUST be not less than five nor more than ~~eleven~~ THIRTEEN  
7 COMMISSIONERS, each of whom ~~shall~~ MUST be appointed by the mayor,  
8 who shall designate the chairman for the first year; ~~Such~~ EXCEPT THAT,  
9 IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND  
10 ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF  
11 THE URBAN RENEWAL AREA OTHER THAN THE MUNICIPALITY, ONE SUCH

1 COMMISSIONER ON THE AUTHORITY MAY, IF THE COUNTY SO CHOOSES, BE  
2 APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
3 WITHIN THE TERRITORIAL BOUNDARIES OF WHICH THE URBAN RENEWAL  
4 AREA IS LOCATED.

5 (II) IF THE URBAN RENEWAL AREA IS LOCATED WITHIN THE  
6 BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY  
7 THE BOARD OF COMMISSIONERS OF THE COUNTY THAT HAS THE LARGEST  
8 POPULATION RESIDING WITHIN THE BOUNDARIES OF THE URBAN RENEWAL  
9 AUTHORITY AREA, UNLESS THE COUNTY WITH THE LARGEST POPULATION  
10 ELECTS TO DELEGATE THE APPOINTMENT TO THE BOARD OF  
11 COMMISSIONERS OF THE COUNTY WITH THE SECOND LARGEST POPULATION  
12 RESIDING WITHIN THE URBAN RENEWAL AREA. THE COUNTY WITH THE  
13 SECOND LARGEST POPULATION MAY SIMILARLY DELEGATE ITS  
14 APPOINTMENT AUTHORITY TO THE BOARD OF COMMISSIONERS OF ANY  
15 OTHER COUNTY WITHIN THE TERRITORIAL BOUNDARIES OF WHICH THE  
16 URBAN RENEWAL AREA IS LOCATED.

17 (III) IF NO COUNTY APPOINTS A COMMISSIONER TO THE  
18 AUTHORITY, THEN THE COUNTY APPOINTMENT REMAINS VACANT UNTIL  
19 SUCH TIME, IF EVER, AS A COUNTY THROUGH ITS BOARD OF  
20 COMMISSIONERS MAKES AN APPOINTMENT PURSUANT TO THIS PARAGRAPH  
21 (a).

22 (IV) IF THE APPOINTING COUNTY IS A CITY AND COUNTY, THE  
23 REQUIREMENTS OF THIS PARAGRAPH (a) PERTAINING TO COUNTY  
24 REPRESENTATION ON THE AUTHORITY NEED NOT BE SATISFIED.

25 (V) IF A COUNTY'S APPOINTMENT OF A COMMISSIONER CAUSES THE  
26 AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THEN THE  
27 MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN

1 ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. ALL MAYORAL  
2 appointments and ~~designation shall be~~ CHAIR DESIGNATIONS ARE subject  
3 to approval by the governing body OF THE MUNICIPALITY WITHIN WHICH  
4 THE AUTHORITY HAS BEEN ESTABLISHED. Not more than one of the  
5 commissioners APPOINTED BY THE MAYOR may be an official of the  
6 municipality.

7 (VI) In the event that an official of the municipality is appointed  
8 as commissioner of an authority, acceptance or retention of such  
9 appointment ~~shall not be~~ IS NOT deemed a forfeiture of his OR HER office,  
10 or incompatible therewith, ~~or~~ AND DOES NOT affect his OR HER tenure or  
11 compensation in any way. The term of office of a commissioner of an  
12 authority who is a municipal official ~~shall~~ IS not ~~be~~ affected or curtailed  
13 by the expiration of the term of his OR HER municipal office.

14 (b) The commissioners who are first appointed ~~shall~~ MUST be  
15 designated by the mayor to serve for staggered terms so that the term of  
16 at least one commissioner will expire each year. Thereafter, the term of  
17 office ~~shall be~~ IS five years. A commissioner ~~shall hold~~ HOLDS office until  
18 his OR HER successor has been appointed and has qualified. Vacancies  
19 other than by reason of expiration of terms ~~shall~~ MUST be filled by the  
20 mayor for the unexpired term; EXCEPT THAT, IN THE CASE OF A  
21 COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE  
22 BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (a) OF  
23 THIS SUBSECTION (2), A VACANCY ON THE AUTHORITY FOR THE BALANCE  
24 OF THE UNEXPIRED TERM MUST BE FILLED BY THE BOARD OF  
25 COMMISSIONERS OF THE COUNTY THAT MADE THE ORIGINAL  
26 APPOINTMENT. A majority of the commissioners ~~shall constitute~~  
27 CONSTITUTES a quorum. The mayor shall file with the clerk a certificate

1 of the appointment or reappointment of any commissioner, and such  
2 certificate ~~shall be~~ IS conclusive evidence of the due and proper  
3 appointment of such commissioner. A commissioner ~~shall receive~~  
4 RECEIVES no compensation for his OR HER services, but ~~he shall be~~ IS  
5 entitled to the necessary expenses, including traveling expenses, incurred  
6 in the discharge of his OR HER duties.

7 **SECTION 2.** In Colorado Revised Statutes, 31-25-107, **amend**  
8 (9) (a) introductory portion and (9) (a) (II) as follows:

9 **31-25-107. Approval of urban renewal plans by local**  
10 **governing body.** (9) (a) Notwithstanding any law to the contrary, any  
11 urban renewal plan, as originally approved or as later modified pursuant  
12 to this part 1, may contain a provision that taxes, if any, levied after the  
13 effective date of the approval of such urban renewal plan upon taxable  
14 property in an urban renewal area each year or that municipal sales taxes  
15 collected within said area, or both such taxes, by or for the benefit of any  
16 public body ~~shall~~ MUST be divided for a period not to exceed twenty-five  
17 years after the effective date of adoption of such a provision, as follows:

18 (II) That portion of said property taxes or all or any portion of said  
19 sales taxes, or both, in excess of the amount of property taxes or sales  
20 taxes paid into the funds of each such public body in accordance with the  
21 requirements of subparagraph (I) of this paragraph (a) ~~shall~~ MUST be  
22 allocated to and, when collected, paid into a special fund of the authority  
23 to pay the principal of, the interest on, and any premiums due in  
24 connection with the bonds of, loans or advances to, or indebtedness  
25 incurred by, whether funded, refunded, assumed, or otherwise, the  
26 authority for financing or refinancing, in whole or in part, an urban  
27 renewal project, or to make payments under an agreement executed

1 pursuant to subsection (11) of this section. Any excess municipal sales tax  
2 collections not allocated pursuant to this subparagraph (II) ~~shall~~ MUST be  
3 paid into the funds of the municipality. Unless and until the total  
4 valuation for assessment of the taxable property in an urban renewal area  
5 exceeds the base valuation for assessment of the taxable property in such  
6 urban renewal area, as provided in subparagraph (I) of this paragraph (a),  
7 all of the taxes levied upon the taxable property in such urban renewal  
8 area ~~shall~~ MUST be paid into the funds of the respective public bodies.  
9 Unless and until the total municipal sales tax collections in an urban  
10 renewal area exceed the base year municipal sales tax collections in such  
11 urban renewal area, as provided in subparagraph (I) of this paragraph (a),  
12 all such sales tax collections ~~shall~~ MUST be paid into the funds of the  
13 municipality. When such bonds, loans, advances, and indebtedness, if  
14 any, including interest thereon and any premiums due in connection  
15 therewith, have been paid, all taxes upon the taxable property or the total  
16 municipal sales tax collections, or both, in such urban renewal area ~~shall~~  
17 MUST be paid into the funds of the respective public bodies, AND ALL  
18 MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO  
19 THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND  
20 THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON  
21 THE MILL LEVY OF A TAXING BODY WITHIN THE BOUNDARIES OF THE  
22 URBAN RENEWAL AREA MUST BE REPAYED TO EACH TAXING BODY, OTHER  
23 THAN THE MUNICIPALITY, BASED ON THE PRO RATA SHARE OF THE TOTAL  
24 MILL LEVY ATTRIBUTABLE TO EACH TAXING BODY'S MILL LEVY IN THE  
25 LAST YEAR IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS  
26 SUBSECTION (9). ANY MONEYS REMAINING IN THE SPECIAL FUND NOT  
27 GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY

1 SUCH REPAYMENT REQUIREMENT.

2 **SECTION 3.** In Colorado Revised Statutes, 31-25-115, **add** (1.5)  
3 as follows:

4 **31-25-115. Transfer - abolishment.** (1.5) WHEN THE GOVERNING  
5 BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR  
6 TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT  
7 TO SUBSECTION (1) OF THIS SECTION, ONE COMMISSIONER OF THE  
8 AUTHORITY MAY BE APPOINTED BY THE BOARD OF COMMISSIONERS OF A  
9 COUNTY IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION  
10 31-25-104 (2) (a).

11 **SECTION 4. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
13 the expiration of the ninety-day period after final adjournment of the  
14 general assembly (August 5, 2015, if adjournment sine die is on May 6,  
15 2015); except that, if a referendum petition is filed pursuant to section 1  
16 (3) of article V of the state constitution against this act or an item, section,  
17 or part of this act within such period, then the act, item, section, or part  
18 will not take effect unless approved by the people at the general election  
19 to be held in November 2016 and, in such case, will take effect on the  
20 date of the official declaration of the vote thereon by the governor.

21 (2) Sections 1 and 3 of this act amending sections 31-25-104 and  
22 31-25-115, Colorado Revised Statutes, apply to any urban renewal  
23 authority established under said section 31-25-104 or 31-25-115 prior to,  
24 on, or after the effective date of this act.

25 (3) Section 2 of this act amending section 31-25-107, Colorado  
26 Revised Statutes, applies to any urban renewal area created on or after  
27 January 1, 2016, under an urban renewal plan that contains a provision

- 1 authorizing the levying of taxes in accordance with section 31-25-107 (9),
- 2 Colorado Revised Statutes.