

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-1120.02 Ed DeCecco x4216

SENATE BILL 16-168

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Brown,

Senate Committees
Local Government

House Committees
Local Government

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A POLITICAL SUBDIVISION FROM AN
102 ADJOINING STATE TO JOINTLY OPERATE AN AIRPORT IN
103 COLORADO.

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 expands the "Public Airport Authority Act" to allow a county or municipality from an adjoining state to be part of an airport authority. **Section 1** of the bill amends the definitions of "county" and "municipality" to accomplish this purpose. **Section 2** makes explicit the requirement that the airport authority must be in this state, and limits a

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.*

HOUSE
2nd Reading Unamended
April 15, 2016

SENATE
3rd Reading Unamended
April 1, 2016

SENATE
Amended 2nd Reading
March 31, 2016

public notice requirement to Colorado counties and municipalities. **Section 3** limits the requirement that a member of an airport authority's governing board be a resident taxpaying elector to Colorado counties and municipalities and requires the official newspaper of the authority to be in Colorado. **Section 4** requires the board's resolutions or orders not violate the adjoining state's law, if an airport authority includes a county or municipality from an adjoining state, and allows the airport authority to contract with an adjoining state.

Section 5 permits a Colorado county operating or 2 or more Colorado counties and municipalities jointly operating an airport to enter into an agreement with a county or municipality from another state to jointly operate the airport.

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

2 **SECTION 1.** In Colorado Revised Statutes, 41-3-103, **amend** (9),
3 (13), and (15) as follows:

4 **41-3-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (9) "County" means any county organized under the laws of the
7 state of Colorado OR AN ADJOINING STATE and includes public entities
8 which are both cities and counties.

9 (13) "Municipality" means any city or town, whether incorporated
10 under the general laws of the state of Colorado OR AN ADJOINING STATE,
11 article XX of the state constitution, or acts of the council and house of
12 representatives of the territory of Colorado, but does not include local
13 entities which are both cities and counties.

14 (15) "Resolution" means a resolution of the board of county
15 commissioners of a county or ordinance of a city, city and county, or
16 town, whichever form of action is necessary or appropriate under the laws
17 of the state of Colorado OR AN ADJOINING STATE, or under the charter of
18 a city, or city and county, incorporated pursuant to article XX of the state
19 constitution.

1 **SECTION 2.** In Colorado Revised Statutes, 41-3-104, **amend** (1)
2 and (4) as follows:

3 **41-3-104. Creation of authorities.** (1) Any combination, or any
4 county IN THIS STATE acting independently, may create an authority ~~which~~
5 ~~shall be~~ THAT IS authorized to OPERATE AN AIRPORT IN THIS STATE
6 AND exercise the functions conferred by the provisions of this article,
7 upon the issuance by the director of the division of local government in
8 the department of local affairs of a certificate reciting that the authority
9 has been duly organized according to the laws of the state of Colorado.
10 Such certificate shall be issued by the director of said division upon the
11 filing with him OR HER of a certified copy of the resolution of the county
12 acting independently and, in the case of a combination, of each county or
13 municipality joining therein, duly certified as correct by the clerk of the
14 municipality or county. In the case of a combination, there shall also be
15 filed with the director of said division a joint certificate of the clerks of
16 any county or municipality joining therein, certifying that such counties
17 or municipalities, and listing them, constitute all of the counties or
18 municipalities joining in the formation of the authority. At the time of
19 filing such resolutions, there shall also be filed a designation of the
20 official name of the authority.

21 (4) A municipality or a county IN THIS STATE shall not adopt a
22 resolution authorized by this section without a public hearing thereon.
23 Notice shall be given at least ten days prior to the date of the hearing in
24 a newspaper having a general circulation in the municipality or county,
25 as the case may be.

26 **SECTION 3.** In Colorado Revised Statutes, 41-3-105, **amend** (2),
27 (4), (5) (b), and (5) (i) as follows:

1 **41-3-105. Board of commissioners.** (2) The board of
2 commissioners of an authority created by the formation of a combination
3 shall consist of at least five members, but no more than nine members,
4 representing the counties or municipalities participating in the
5 combination. The authorizing resolution, filed with the director of the
6 division of local government in the department of local affairs, as
7 provided in section 41-3-104 (1), shall contain a provision as to the
8 representation of the counties and municipalities participating in the
9 combination. The members of the board of an authority created by a
10 combination shall be appointed by resolution of the governing boards of
11 the counties or municipalities that are members of the combination, the
12 initial appointments, at the election of such municipality or county, to be
13 made by the authorizing resolution filed with the director of said division.
14 If the county in which the airport is to be located is not a member of the
15 combination, then the member or members, if any, to which such county
16 is entitled shall be appointed by the board of county commissioners of
17 such county. The board created by the independent action of a county
18 shall consist of five members who shall be appointed by the board of
19 county commissioners of the county, and initial appointments to such
20 board, at the election of the board of county commissioners, may be made
21 in the authorizing resolution filed with the director of said division. Board
22 members FROM MUNICIPALITIES AND COUNTIES IN THIS STATE shall be
23 taxpaying electors, as defined in section 1-1-104 (49), C.R.S., at the time
24 of their appointment, residing in the municipality or county from which
25 appointed. After an authority is organized by the formation of a
26 combination, the inclusion of additional counties or municipalities shall
27 entitle the included municipalities or counties to representation on the

1 same basis as other counties or municipalities. Each member of the board
2 may receive as compensation for his OR HER services a sum not in excess
3 of sixty dollars per year. No member of the board shall receive any
4 compensation as an employee of the authority or otherwise, other than
5 that provided in this section, and no member of the board shall be
6 interested in any contract or transaction with the authority except in his
7 OR HER official respective capacity.

8 (4) A change of residence of a member of the board FROM A
9 MUNICIPALITY OR COUNTY IN THE STATE to a place outside the
10 municipality ~~which~~ THAT he OR SHE represents, or the county from which
11 he OR SHE is appointed, automatically creates a vacancy on the board as
12 to such municipality or county. Vacancies which may occur on the board
13 through death or resignation of one of the members, or for any other
14 reason, shall be filled in the same manner as provided for the appointment
15 of original members of the board.

16 (5) The board, in addition to any other powers conferred by this
17 article, has the following powers:

18 (b) To make and pass resolutions and orders not repugnant to the
19 constitution of the United States; ~~or~~ the state; AN ADJOINING STATE, IF A
20 COMBINATION INCLUDES A MUNICIPALITY OR COUNTY FROM THE
21 ADJOINING STATE; or other provisions of this article, necessary for the
22 government and management of the affairs of the authority, and the
23 execution of the powers vested in the authority and for carrying into
24 effect the provisions of this article. On all resolutions the rolls shall be
25 called and the ayes and nays recorded. Resolutions and orders may be
26 adopted by viva voce vote, but on demand of any member the roll shall
27 be called.

1 (i) To constitute and appoint an official newspaper IN THIS STATE
2 to be used for the official publications of the authority; but nothing in this
3 section shall prevent the board from directing publication in additional
4 newspapers or other periodicals which public necessity may so require or
5 indicate.

6 **SECTION 4.** In Colorado Revised Statutes, 41-3-106, **amend** (1)
7 (d) and (1) (h) as follows:

8 **41-3-106. Powers of an authority.** (1) An authority has the
9 following powers:

10 (d) To enter into contracts and agreements affecting the affairs of
11 the authority, including, but not limited to, contracts with the United
12 States, ~~and~~ the state of Colorado, AND AN ADJOINING STATE, IF A
13 COMBINATION INCLUDES A MUNICIPALITY OR COUNTY FROM THE
14 ADJOINING STATE;

15 (h) To regulate, when acting singly, or by agreement, when acting
16 jointly with any other municipality or county, the receiving, deposit, and
17 removal and the embarkation of passengers or property to or from the
18 airport; to regulate or prohibit any airport hazard; to exact and require
19 charges, fees, and rentals, together with a lien to enforce the payment; to
20 lease or assign for operation such space or area, appurtenances,
21 appliances, or other conveniences necessary or useful in connection
22 therewith; to own and operate aircraft; to employ pilots; to provide rules
23 and regulations governing the use of such airport and facilities and the
24 use of other property and means of transportation within or over said
25 airport, landing field, and navigation facilities; to perform any duties,
26 necessary or consistent with the regulation of air traffic; to enter into
27 contracts or otherwise cooperate with the United States, the state, AN

1 ADJOINING STATE, IF A COMBINATION INCLUDES A MUNICIPALITY OR
2 COUNTY FROM THE ADJOINING STATE, or other public or private agencies;
3 and to exercise such powers as may be required or consistent with the
4 promotion of aeronautics and the furtherance of commerce and navigation
5 by air;

6 **SECTION 5.** In Colorado Revised Statutes, 41-4-103, **amend** (2)
7 as follows:

8 **41-4-103. Joint action by corporate authority.** (2) (a) Any two
9 or more of such counties, cities and counties, cities, or towns may enter
10 into agreements with each other duly authorized by resolution or
11 ordinance for joint action pursuant to the provisions of this part 1. Each
12 such agreement shall specify the proportionate interest which each
13 county, city and county, city, or town has in the property, facilities, and
14 privileges involved and the proportion of costs of acquisition,
15 establishment, construction, enlargement, improvement, equipment, and
16 expenses of maintenance, operation, and regulation to be borne by each,
17 and it shall make such other provisions as may be necessary to carry out
18 the provisions of this part 1 for the amendment thereof and the conditions
19 and terms upon which such agreement may be terminated.

20 (b) A COUNTY OR TWO OR MORE OF SUCH COUNTIES, CITIES AND
21 COUNTIES, CITIES, OR TOWNS THAT ENTERED INTO AN AGREEMENT UNDER
22 PARAGRAPH (a) OF THIS SUBSECTION (2) MAY ENTER INTO AN AGREEMENT
23 UNDER SECTION 29-1-203, C.R.S., WITH A COUNTY OR MUNICIPALITY OF
24 AN ADJOINING STATE TO JOINTLY OPERATE AN AIRPORT IN THIS STATE
25 CREATED PURSUANT TO THIS PART 1. THE AGREEMENT MUST INCLUDE THE
26 SAME INFORMATION FOR AN AGREEMENT DESCRIBED IN SAID PARAGRAPH
27 (a).

1 **SECTION 6. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.