

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 17-0493.01 Bob Lackner x4350

HOUSE BILL 17-1065

HOUSE SPONSORSHIP

Lewis,

SENATE SPONSORSHIP

Marble,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF REQUIREMENTS GOVERNING THE**
102 **FORMATION OF METROPOLITAN DISTRICTS, AND, IN**
103 **CONNECTION THEREWITH, LIMITING THE INCLUSION OF**
104 **AGRICULTURAL LAND WITHIN A METROPOLITAN DISTRICT**
105 **PROVIDING PARK AND RECREATIONAL SERVICES AND**
106 **CLARIFYING SIGNATURE REQUIREMENTS GOVERNING JUDICIAL**
107 **APPROVAL OF A PETITION FOR ORGANIZATION OF A PROPOSED**
108 **SPECIAL DISTRICT.**

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

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 Unamended
March 13, 2017

SENATE
2nd Reading Unamended
March 10, 2017

HOUSE
3rd Reading Unamended
February 7, 2017

HOUSE
2nd Reading Unamended
February 6, 2017

<http://leg.colorado.gov>.)

Under existing law, no land area that is 40 acres or more used primarily and zoned for agricultural uses may be included in any park and recreation district without the written consent of the land owners. **Sections 1 and 2** of the bill make any metropolitan district providing parks or recreational facilities and programs subject to this limitation.

Sections 3 and 4 clarify that only those signatures obtained after the approval by a county or municipality of the service plan of a proposed special district may be considered by the district court in determining whether the required number of taxpaying electors of such district have signed the petition for organization.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-307, **amend** (1)
3 and (2) as follows:

4 **32-1-307. Park and recreation districts - metropolitan districts**
5 **providing parks and recreational facilities or programs - exclusion**
6 **proviso.** (1) Any provision of this part 3 to the contrary notwithstanding,
7 no tract of land of forty acres or more used primarily and zoned for
8 agricultural uses shall be included in any park and recreation district OR
9 IN ANY METROPOLITAN DISTRICT PROVIDING PARKS OR RECREATIONAL
10 FACILITIES AND PROGRAMS organized under this part 3 without the written
11 consent of the owners thereof. No personal property which is situated
12 upon real estate not included in such district shall be included within any
13 park and recreation OR METROPOLITAN district. If, contrary to the
14 provisions of this section, any such tract, parcel, or personal property is
15 included in any park and recreation OR METROPOLITAN district, the owners
16 thereof, on petition to the court, shall be entitled to have such property
17 excluded from such district free and clear of any contract, obligation, lien,
18 or charge to which it may be liable as a part of such district.

19 (2) If the use or zoning of any tract of land of forty acres or more

1 lying within the boundaries of any park and recreation district OR ANY
2 METROPOLITAN DISTRICT PROVIDING PARKS OR RECREATIONAL FACILITIES
3 AND PROGRAMS organized under the provisions of this part 3 has been or
4 is changed from agricultural use or zoning to any other use or zoning
5 designation, such lands and the personal property thereon shall no longer
6 be excluded from said district and shall be subject to all obligations, liens,
7 or charges of such district on and after January 1 of the year following
8 such change in use or zoning.

9 **SECTION 2.** In Colorado Revised Statutes, 32-1-1004, **add**
10 (6)(e) as follows:

11 **32-1-1004. Metropolitan districts - additional powers and**
12 **duties.** (6) Notwithstanding anything in this article or any other law to
13 the contrary:

14 (e) IN ACCORDANCE WITH SECTION 32-1-307 (1), NO TRACT OF
15 LAND OF FORTY ACRES OR MORE USED PRIMARILY AND ZONED FOR
16 AGRICULTURAL USES SHALL BE INCLUDED IN ANY METROPOLITAN DISTRICT
17 PROVIDING PARKS OR RECREATIONAL FACILITIES AND PROGRAMS THAT IS
18 ORGANIZED UNDER THIS ARTICLE 1 WITHOUT THE WRITTEN CONSENT OF
19 THE OWNERS.

20 **SECTION 3.** In Colorado Revised Statutes, 32-1-301, **amend** (1)
21 as follows:

22 **32-1-301. Petition for organization.** (1) After approval of the
23 service plan pursuant to section 32-1-205 or 32-1-206 or after approval
24 of the petition by the governing body of a municipality pursuant to section
25 32-1-205, the persons proposing the organization of a special district may
26 file a petition for organization in the district court vested with jurisdiction
27 of the county in which all or part of the real property in the proposed

1 special district is situated. The petition shall be signed by not less than
2 thirty percent or two hundred of the taxpaying electors of the proposed
3 special district, whichever number is the smaller. NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW, ONLY THOSE SIGNATURES OBTAINED AFTER THE
5 APPROVAL OF THE SERVICE PLAN PURSUANT TO SECTION 32-1-205 OR
6 32-1-206 OR AFTER APPROVAL OF THE PETITION BY THE GOVERNING BODY
7 OF A MUNICIPALITY PURSUANT TO SECTION 32-1-205 SHALL BE
8 CONSIDERED BY THE DISTRICT COURT IN MAKING THE EVIDENTIARY
9 FINDING CONCERNING THE REQUIRED NUMBER OF TAXPAYING ELECTORS
10 OF THE PROPOSED SPECIAL DISTRICT THAT IS REQUIRED BY SECTION
11 32-1-305 (1).

12 **SECTION 4.** In Colorado Revised Statutes, 32-1-305, **amend** (1)
13 as follows:

14 **32-1-305. Court hearing - election - declaration of**
15 **organization.** (1) Except as otherwise provided in section 32-1-304.5,
16 on the day fixed for the hearing provided in section 32-1-304 or at an
17 adjournment thereof, the court shall first ascertain, from such evidence
18 which may be adduced, that the required number of taxpaying electors of
19 the proposed special district have signed the petition. NOTWITHSTANDING
20 ANY OTHER PROVISION OF LAW, ONLY THOSE SIGNATURES OBTAINED
21 AFTER THE APPROVAL OF THE SERVICE PLAN PURSUANT TO SECTION
22 32-1-205 OR 32-1-206 OR AFTER APPROVAL OF THE PETITION BY THE
23 GOVERNING BODY OF A MUNICIPALITY PURSUANT TO SECTION 32-1-205
24 SHALL BE CONSIDERED BY THE DISTRICT COURT IN MAKING THE
25 EVIDENTIARY FINDING THAT THE REQUIRED NUMBER OF TAXPAYING
26 ELECTORS OF THE PROPOSED SPECIAL DISTRICT HAVE SIGNED THE PETITION
27 IN ACCORDANCE WITH THIS SUBSECTION (1).

1 **SECTION 5. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly (August 9, 2017, if adjournment sine die is on May 10,
5 2017); except that, if a referendum petition is filed pursuant to section 1
6 (3) of article V of the state constitution against this act or an item, section,
7 or part of this act within such period, then the act, item, section, or part
8 will not take effect unless approved by the people at the general election
9 to be held in November 2018 and, in such case, will take effect on the
10 date of the official declaration of the vote thereon by the governor.
11 (2) This act applies to court petitions for the organization of
12 special districts that are filed on or after the applicable effective date of
13 this act.