

CHAPTER 37

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 93-1021

BY REPRESENTATIVE Anderson;
also SENATOR Schroeder.**AN ACT****CONCERNING LIABILITY FOR BONDED INDEBTEDNESS OF PROPERTY EXCLUDED FROM SPECIAL DISTRICTS.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 32-1-501 (4) (b), Colorado Revised Statutes, as amended, is amended to read:

32-1-501. Exclusion of property by fee owners - procedure. (4) (b) Upon granting such petition, the board shall file a certified copy of the order of the board granting such exclusion with the clerk of the court, and the court shall thereupon order the property to be excluded from the special district. THE ORDER FOR EXCLUSION SHALL RECITE IN THE FINDINGS A DESCRIPTION OF ANY BONDED INDEBTEDNESS IN EXISTENCE IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE ORDER FOR WHICH THE EXCLUDED PROPERTY IS LIABLE AND THE DATE THAT SUCH BONDED INDEBTEDNESS IS THEN SCHEDULED TO BE RETIRED. AFTER JULY 1, 1993, FAILURE OF THE ORDER FOR EXCLUSION TO RECITE THE EXISTENCE AND SCHEDULED RETIREMENT DATE OF SUCH INDEBTEDNESS, WHEN DUE TO ERROR OR OMISSION BY THE SPECIAL DISTRICT, SHALL NOT CONSTITUTE GROUNDS FOR CORRECTION OF THE OMISSION OF A LEVY ON THE EXCLUDED PROPERTY FROM THE ASSESSMENT ROLL PURSUANT TO SECTION 39-5-125, C.R.S.

SECTION 2. 32-1-502 (6), Colorado Revised Statutes, as amended, is amended to read:

32-1-502. Exclusion of property within municipality - procedure. (6) Any order for exclusion of territory from a special district shall become effective on January 1 next following the date the order is entered by the court. THE ORDER FOR EXCLUSION SHALL RECITE IN THE FINDINGS A DESCRIPTION OF ANY BONDED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

INDEBTEDNESS IN EXISTENCE IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE ORDER FOR WHICH THE EXCLUDED PROPERTY IS LIABLE AND THE DATE THAT SUCH BONDED INDEBTEDNESS IS THEN SCHEDULED TO BE RETIRED. AFTER JULY 1, 1993, FAILURE OF THE ORDER FOR EXCLUSION TO RECITE THE EXISTENCE AND SCHEDULED RETIREMENT DATE OF SUCH INDEBTEDNESS, WHEN DUE TO ERROR OR OMISSION BY THE SPECIAL DISTRICT, SHALL NOT CONSTITUTE GROUNDS FOR CORRECTION OF THE OMISSION OF A LEVY ON THE EXCLUDED PROPERTY FROM THE ASSESSMENT ROLL PURSUANT TO SECTION 39-5-125, C.R.S.

SECTION 3. 32-10-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

32-10-124. Court proceedings - inclusion - exclusion. (1.5) ANY ORDER FOR EXCLUSION SHALL RECITE IN THE FINDINGS A DESCRIPTION OF ANY BONDED INDEBTEDNESS IN EXISTENCE IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE ORDER FOR WHICH THE EXCLUDED PROPERTY IS LIABLE AND THE DATE THAT SUCH BONDED INDEBTEDNESS IS THEN SCHEDULED TO BE RETIRED. AFTER JULY 1, 1993, FAILURE OF THE ORDER FOR EXCLUSION TO RECITE THE EXISTENCE AND SCHEDULED RETIREMENT DATE OF SUCH INDEBTEDNESS, WHEN DUE TO ERROR OR OMISSION BY THE DISTRICT, SHALL NOT CONSTITUTE GROUNDS FOR CORRECTION OF THE OMISSION OF A LEVY ON THE EXCLUDED PROPERTY FROM THE ASSESSMENT ROLL PURSUANT TO SECTION 39-5-125, C.R.S.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 1993