

CHAPTER 144

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 99-1294

BY REPRESENTATIVES Ragsdale, Bacon, Coleman, Gordon, Mace, Plant, Saliman, Vigil, S. Williams, and Zimmerman;
also SENATORS Lacy, Reeves, and Tebedo.

AN ACT

CONCERNING THE ESTABLISHMENT OF A PROCEDURE TO INCLUDE ADDITIONAL AREAS WITHIN CERTAIN
SPECIAL DISTRICT BOUNDARIES.

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

SECTION 1. Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-106.7. Additional district area - petition or election. (1) THE FOLLOWING AREAS MAY BE INCLUDED IN THE DISTRICT ACCORDING TO THE TERMS SET FORTH IN THIS SECTION:

(a) FOR ANY PARCEL OF LAND THIRTY-FIVE ACRES OR MORE THAT IS LOCATED IN THE UNINCORPORATED PORTION OF ANY COUNTY THAT HAS A BOUNDARY THAT IS CONTIGUOUS TO ANY BOUNDARY OF THE DISTRICT, THE LAND MAY BE INCLUDED IN THE DISTRICT UPON PRESENTATION TO THE BOARD OF A PETITION SIGNED BY ONE HUNDRED PERCENT OF THE OWNERS OF THE LAND SOUGHT TO BE INCLUDED. THE PETITION SHALL CONTAIN A LEGAL DESCRIPTION OF THE LAND, SHALL STATE THAT ASSENT TO THE INCLUSION IS GIVEN BY THE FEE OWNER OR OWNERS THEREOF, AND SHALL BE ACKNOWLEDGED BY THE FEE OWNER OR OWNERS IN THE SAME MANNER AS REQUIRED FOR THE CONVEYANCE OF LAND.

(b) FOR ANY AREA IN AN UNINCORPORATED PORTION OF ANY COUNTY CONTAINING MULTIPLE PARCELS OF LAND, ANY OF WHICH IS LESS THAN THIRTY-FIVE ACRES AND WHICH AREA IS CONTIGUOUS TO ANY BOUNDARY OF THE DISTRICT, THE AREA MAY BE INCLUDED IN THE DISTRICT AFTER ONE OF THE FOLLOWING CONDITIONS IS MET:

(I) ONE HUNDRED PERCENT OF THE OWNERS OF THE LAND WITHIN THE SPECIFIED AREA, INCLUDING THE OWNERS OF ANY LAND CONSTITUTING A PLANNED UNIT

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

DEVELOPMENT OR SUBDIVISION, SUBMIT A PETITION TO THE BOARD SEEKING INCLUSION IN THE DISTRICT. THE PETITION SHALL CONTAIN A LEGAL DESCRIPTION OF THE LAND, SHALL STATE THAT ASSENT TO THE INCLUSION IS GIVEN BY THE FEE OWNER OR OWNERS THEREOF, AND SHALL BE ACKNOWLEDGED BY THE FEE OWNER OR OWNERS IN THE SAME MANNER AS REQUIRED FOR THE CONVEYANCE OF LAND.

(II) (A) A PETITION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE SPECIFIED AREA IN THE DISTRICT SIGNED BY AT LEAST EIGHT PERCENT OF THE ELIGIBLE ELECTORS WHO RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE AREA IS SUBMITTED TO THE BOARD. THE PETITION SHALL CONTAIN A LEGAL DESCRIPTION OF THE AREA; AND

(B) THE BOARD AUTHORIZES AN ELECTION TO BE HELD IN THE AREA SOUGHT TO BE INCLUDED AND A MAJORITY OF THE REGISTERED ELECTORS, AS DEFINED IN SECTION 1-1-104 (35), C.R.S., WHO RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE AREA APPROVE THE INCLUSION OF THE AREA IN THE DISTRICT.

(c) (I) ANY MUNICIPALITY OR PORTION THEREOF THAT IS CONTIGUOUS TO ANY BOUNDARY OF THE DISTRICT MAY BE INCLUDED IN THE DISTRICT IF A PETITION REQUESTING AN ELECTION FOR INCLUDING THE SPECIFIED AREA IN THE DISTRICT SIGNED BY AT LEAST EIGHT PERCENT OF THE ELIGIBLE ELECTORS WHO RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE AREA IS SUBMITTED TO THE BOARD. THE PETITION SHALL CONTAIN A LEGAL DESCRIPTION OF THE AREA TO BE INCLUDED IN THE DISTRICT; AND

(II) THE BOARD AUTHORIZES AN ELECTION IN THE AREA SOUGHT TO BE INCLUDED AND A MAJORITY OF THE REGISTERED ELECTORS, AS DEFINED IN SECTION 1-1-104 (35), C.R.S., WHO RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE AREA APPROVE INCLUSION OF THE AREA IN THE DISTRICT.

(2) NO ELECTION SHALL BE HELD FOR INCLUSION OF ANY AREA INTO THE DISTRICT PURSUANT TO THIS SECTION UNLESS THE BOARD OF DIRECTORS OF THE DISTRICT FIRST RESOLVES TO ACCEPT THE AREA IF THE ELECTION IS SUCCESSFUL. NO PETITION FOR THE INCLUSION OF ANY AREA INTO THE DISTRICT SHALL BE ACCEPTED EXCEPT UPON MAJORITY VOTE OF THE BOARD OF DIRECTORS OF THE DISTRICT.

(3) (a) A PETITION SUBMITTED TO THE VOTERS PURSUANT TO THIS SECTION SHALL BE FILED WITH THE BOARD AT LEAST ONE HUNDRED TWENTY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT QUESTION IS SUBMITTED TO A VOTE. UPON RECEIVING SUCH PETITION, THE BOARD SHALL DESIGNATE AN ELECTION OFFICIAL TO CONDUCT THE ELECTION AND PROVIDE A COPY OF THE PETITION TO SUCH OFFICIAL. UPON DECLARING THE PETITION SUFFICIENT, THE BOARD SHALL SUBMIT THE PETITION ALONG WITH THE BALLOT QUESTION TO THE COORDINATED ELECTION OFFICIAL IN ACCORDANCE WITH SECTION 1-7-116, C.R.S., AND THE COORDINATED ELECTION OFFICIAL SHALL CONDUCT THE ELECTION.

(b) ANY BALLOT FOR ANY ELECTION AUTHORIZED BY THIS SECTION SHALL INCLUDE A DESCRIPTION OF THE SPECIFIED AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE CURRENT RATE OF SALES TAX LEVIED BY THE REGIONAL TRANSPORTATION DISTRICT.

(c) THE BALLOT SHALL CONTAIN THE FOLLOWING QUESTION: "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT?"

(d) AN ELECTION HELD PURSUANT TO THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1, C.R.S., AND ANY OTHER REQUIREMENTS OF THIS SECTION. THE ELECTION SHALL BE RUN BY THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY CONTAINING THE AREA SEEKING INCLUSION IN THE DISTRICT. THE BALLOT QUESTION SHALL BE SUBMITTED TO A VOTE PURSUANT TO THIS SECTION ONLY AT A STATE GENERAL ELECTION OR, IF THE BOARD SO DETERMINES, AT A SPECIAL ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR. THE DISTRICT SHALL PAY FOR ALL COSTS ASSOCIATED WITH THE ELECTION.

(e) THE BOARD SHALL CALL THE ELECTION AUTHORIZED BY THIS SECTION BY RESOLUTION. THE RESOLUTION SHALL STATE:

(I) THE OBJECT AND PURPOSE OF THE ELECTION;

(II) A DESCRIPTION OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT;

(III) THE DATE OF THE ELECTION; AND

(IV) THE NAME OF THE DESIGNATED ELECTION OFFICIAL WHO IS RESPONSIBLE FOR CONDUCTING THE ELECTION PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

SECTION 2. 32-9-106 (1), Colorado Revised Statutes, is amended to read:

32-9-106. District area. (1) The area comprising the district shall consist of that part of Adams county excluding census enumeration districts 1, 2, and 3 of the east Adams division, as the districts and division are used by the United States bureau of the census in designation of land areas for purposes of the 1970 census and those parts of Adams County as provided by section 32-9-106.4, that part of Arapahoe county excluding census enumeration districts 1, 2, and 3 of the east Arapahoe division, except for those parts of enumeration district 3 as provided in subsection (4) of this section, as the districts and division are used by the United States bureau of the census in designation of land areas for the purposes of the 1970 census, and the city and county of Denver and the counties of Jefferson and Boulder, those parts of Douglas county as provided by subsection (2) of this section and section 32-9-106.3, ~~and~~ areas annexed by municipalities as provided by section 32-9-106.6, AND AREAS INCLUDED PURSUANT TO A PETITION OR AN ELECTION IN ACCORDANCE WITH SECTION 32-9-106.7.

SECTION 3. 32-9-111 (1) (b), Colorado Revised Statutes, is amended to read:

32-9-111. Election of directors - dates - terms. (1) (b) If an election held pursuant to section 32-9-106(2)(b) and (2)(c), 32-9-106.3, 32-9-106.4, 32-9-106.5, or 32-9-106.6 results in a vote for the inclusion of an area within the district, OR IF A PETITION OR ELECTION RESULTS IN THE INCLUSION OF AN AREA WITHIN THE DISTRICT PURSUANT TO SECTION 32-9-106.7, the board shall, within forty-five days, vote to include the new area in one or more existing adjacent director districts based, to the

extent practical, on population. The vote by the board shall require a two-thirds majority.

SECTION 4. 32-13-104 (1) (b), Colorado Revised Statutes, is amended to read:

32-13-104. Creation of district - area of district. (1) There is hereby created a district to be known and designated as the "Denver Metropolitan Scientific and Cultural Facilities District". The area comprising the district shall consist of the following:

(b) That area comprising the regional transportation district as specified in sections 32-9-106.3, 32-9-106.4, and 32-9-106.6 unless rejected by the eligible electors as provided in said sections. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AREA SHALL NOT INCLUDE AREAS INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT PURSUANT TO SECTION 32-9-106.7.

SECTION 5. 32-14-104 (1) (b), Colorado Revised Statutes, is amended to read:

32-14-104. Creation of district - area of district. (1) There is hereby created a district to be known and designated as the Denver metropolitan major league baseball stadium district. The district shall be a body corporate and politic and a political subdivision of the state. The area comprising the district shall consist of:

(b) That area comprising the regional transportation district as specified in sections 32-9-106.3, 32-9-106.4, and 32-9-106.6 unless rejected by the eligible electors as provided in said sections. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AREA SHALL NOT INCLUDE AREAS INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT PURSUANT TO SECTION 32-9-106.7.

SECTION 6. 32-15-104 (1) (b), Colorado Revised Statutes, is amended to read:

32-15-104. Creation of district - area of district. (1) There is hereby created a district to be known and designated as the metropolitan football stadium district. The district shall be a body corporate and politic and a political subdivision of the state. Except as provided in subsection (1.5) of this section, the area comprising the district shall consist of:

(b) That area comprising the regional transportation district as specified in sections 32-9-106.3, 32-9-106.4, and 32-9-106.6 unless rejected by the eligible electors as provided in said sections. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AREA SHALL NOT INCLUDE AREAS INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT PURSUANT TO SECTION 32-9-106.7.

SECTION 7. 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: April 30, 1999