

CHAPTER 164

GOVERNMENT - LOCAL

SENATE BILL 16-168

BY SENATOR(S) Roberts, Heath, Kefalas;
also REPRESENTATIVE(S) Brown, Arndt, Becker K., DelGrosso, Fields, Mitsch Bush, Rosenthal, Ryden, Vigil.

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

41-3-105. Board of commissioners. (2) The board of commissioners of an authority created by the formation of a combination shall consist of at least five members, but no more than nine members, representing the counties or municipalities participating in the combination. The authorizing resolution, filed with the director of the division of local government in the department of local affairs, as provided in section 41-3-104 (1), shall contain a provision as to the representation of the counties and municipalities participating in the combination. The members of the board of an authority created by a combination shall be appointed by resolution of the governing boards of the counties or municipalities that are members of the combination, the initial appointments, at the election of such municipality or county, to be made by the authorizing resolution filed with the director of said division. If the county in which the airport is to be located is not a member of the combination, then the member or members, if any, to which such county is entitled shall be appointed by the board of county commissioners of such county. The board created by the independent action of a county shall consist of five members who shall be appointed by the board of county commissioners of the county, and initial appointments to such board, at the election of the board of county commissioners, may be made in the authorizing resolution filed with the director of said division. Board members FROM MUNICIPALITIES AND COUNTIES IN THIS STATE shall be taxpaying electors, as defined in section 1-1-104 (49), C.R.S., at the time of their appointment, residing in the municipality or county from which appointed. After an authority is organized by the formation of a combination, the inclusion of additional counties or municipalities shall entitle the included municipalities or counties to representation on the same basis as other counties or municipalities. Each member of the board may receive as compensation for his OR HER services a sum not in excess of sixty dollars per year. No member of the board shall receive

any compensation as an employee of the authority or otherwise, other than that provided in this section, and no member of the board shall be interested in any contract or transaction with the authority except in his OR HER official respective capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved: May 16, 2016