

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0862.01 Megan Waples x4348

HOUSE BILL 21-1252

HOUSE SPONSORSHIP

Ransom,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF VOTERS IN THE TOWN OF PARKER IN
102 DOUGLAS COUNTY TO DETERMINE WHETHER TO BE INCLUDED IN
103 THE BOUNDARIES OF THE REGIONAL TRANSPORTATION
104 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 <http://leg.colorado.gov>.)

The bill allows eligible electors in the town of Parker to elect to have all of the area within the boundaries of the town included in or excluded from the boundaries of the regional transportation district

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(district). The bill requires that for the election to go forward, 2 separate ballot questions must be presented to the electors, one regarding the town's inclusion in and one regarding the town's exclusion from each special district.

The ballot questions may be initiated by petitions signed by at least 5% of the voters, or the governing body may adopt resolutions to hold elections on the ballot questions. The ballot must include one question allowing the voters to vote for or against the inclusion of the proposed area in the district, and one question allowing voters to vote for or against the exclusion of the proposed area from the district.

If one question is approved by a majority of the eligible electors and the other question is not approved by a majority of eligible electors, the question that was approved takes effect. If both questions are approved by a majority of the eligible electors, only the question that received the greater number of votes in favor of the question takes effect. If neither question is approved by a majority of eligible electors, neither question takes effect and the boundaries of the district remain as they were before the election.

If the voters elect to be excluded from the district, the exclusion takes effect on the earlier of December 31, 2050, or the date on which any district securities that were secured by the specific pledge of proceeds of sales taxes prior to January 1, 2021, are repaid. The district may continue to collect sales and use tax revenues within the boundaries of the district after the voters elect to be excluded and prior to the effective date of the exclusion, so long as the district provides a reasonably proportionate level of service to the town of Parker during that time.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, **add** 32-9-106.2 as
3 follows:
4 **32-9-106.2. District area - town of Parker in Douglas county.**
5 (1) IN CONSIDERATION OF THE FACT THAT VARIOUS NONCONTIGUOUS
6 PARCELS CONTAINING APPROXIMATELY SEVENTEEN PERCENT OF THE AREA
7 OF THE TOWN OF PARKER ARE INCLUDED IN THE DISTRICT, THE VOTERS
8 WITHIN THE BOUNDARIES OF THE TOWN OF PARKER MAY ELECT TO
9 CONSOLIDATE THE STATUS OF THE TOWN OF PARKER AS COMPLETELY
10 INCLUDED IN OR COMPLETELY EXCLUDED FROM THE BOUNDARIES OF THE

1 DISTRICT AT AN ELECTION HELD PURSUANT TO SUBSECTION (2) OF THIS
2 SECTION.

3 (2) PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE AREA
4 INCLUDED WITHIN THE BOUNDARIES OF THE TOWN OF PARKER MAY BE
5 INCLUDED IN OR EXCLUDED FROM THE DISTRICT IF THE FOLLOWING
6 REQUIREMENTS ARE MET:

7 (a) TWO PROPOSALS, ONE TO INCLUDE THE AREA AND ONE TO
8 EXCLUDE THE AREA, ARE INITIATED BY EITHER OF THE FOLLOWING
9 METHODS:

10 (I) TWO PETITIONS, ONE REQUESTING AN ELECTION FOR THE
11 PURPOSE OF INCLUDING THE AREA IN THE DISTRICT AND ONE REQUESTING
12 AN ELECTION FOR THE PURPOSE OF EXCLUDING THE AREA FROM THE
13 DISTRICT, ARE EACH SIGNED BY AT LEAST FIVE PERCENT OF THE
14 REGISTERED ELECTORS WITHIN THE TOWN OF PARKER AND SUBMITTED TO
15 THE GOVERNING BODY OF THE TOWN OF PARKER; OR

16 (II) THE GOVERNING BODY OF THE TOWN OF PARKER ADOPTS TWO
17 RESOLUTIONS, ONE TO HOLD AN ELECTION FOR THE PURPOSE OF INCLUDING
18 THE AREA IN THE DISTRICT AND ONE TO HOLD AN ELECTION FOR THE
19 PURPOSE OF EXCLUDING THE AREA FROM THE DISTRICT.

20 (b) AN ELECTION IS HELD AND CONDUCTED IN ACCORDANCE WITH
21 ARTICLES 1 TO 13 OF TITLE 1 OR ARTICLE 10 OF TITLE 31, AS APPLICABLE,
22 AND THE FOLLOWING REQUIREMENTS:

23 (I) THE ELECTION IS HELD EITHER AT THE ODD-YEAR ELECTION
24 HELD ON THE FIRST TUESDAY IN NOVEMBER OF 2021 OR ANY REGULAR
25 LOCAL DISTRICT ELECTION FOR THE TOWN OF PARKER HELD THEREAFTER,
26 AS DETERMINED BY THE GOVERNING BODY OF THE TOWN OF PARKER. THE
27 TOWN OF PARKER SHALL PAY THE COSTS OF SUCH ELECTIONS.

1 (II) ONE BALLOT QUESTION PROVIDES FOR ALL OF THE REGISTERED
2 ELECTORS IN THE TOWN OF PARKER TO VOTE FOR OR AGAINST THE
3 INCLUSION OF THE PROPOSED AREA IN THE DISTRICT AND ONE BALLOT
4 QUESTION PROVIDES FOR ALL OF THE REGISTERED ELECTORS IN THE TOWN
5 OF PARKER TO VOTE FOR OR AGAINST THE EXCLUSION OF THE AREA FROM
6 THE DISTRICT.

7 (III) EACH BALLOT QUESTION SPECIFIES THAT THE AREA PROPOSED
8 TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT, AS APPLICABLE, IS
9 ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF PARKER.

10 (IV) EACH BALLOT QUESTION CONTAINS THE CURRENT RATES OF
11 SALES AND USE TAX LEVIED BY THE DISTRICT.

12 (V) THE BALLOT CONTAINS BOTH OF THE FOLLOWING QUESTIONS:

13 (A) "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN
14 THE REGIONAL TRANSPORTATION DISTRICT AND SUBJECT TO TAXATION BY
15 THE DISTRICT?"; AND

16 (B) "SHALL THE AREA DESCRIBED IN THE BALLOT BE EXCLUDED
17 FROM THE REGIONAL TRANSPORTATION DISTRICT AND NOT SUBJECT TO
18 TAXATION BY THE DISTRICT?".

19 (3) (a) IN THE EVENT THAT EITHER THE BALLOT QUESTION TO
20 INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF
21 PARKER IN THE DISTRICT OR THE BALLOT QUESTION TO EXCLUDE ALL OF
22 THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF PARKER FROM THE
23 DISTRICT IS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO
24 VOTED IN THE ELECTION AND THE OTHER BALLOT QUESTION IS NOT
25 APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN
26 THE ELECTION, THE BALLOT QUESTION THAT WAS APPROVED BY A
27 MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION

1 TAKES EFFECT.

2 (b) IN THE EVENT THAT BOTH THE BALLOT QUESTION TO INCLUDE
3 ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF PARKER IN
4 THE DISTRICT AND THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA
5 WITHIN THE BOUNDARIES OF THE TOWN OF PARKER FROM THE DISTRICT
6 ARE APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED
7 IN THE ELECTION, ONLY THE BALLOT QUESTION THAT RECEIVES THE
8 LARGER NUMBER OF VOTES IN FAVOR OF THE QUESTION TAKES EFFECT.

9 (c) IN THE EVENT THAT NEITHER THE BALLOT QUESTION TO
10 INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF
11 PARKER IN THE DISTRICT NOR THE BALLOT QUESTION TO EXCLUDE ALL OF
12 THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF PARKER FROM THE
13 DISTRICT IS APPROVED BY A MAJORITY OF REGISTERED ELECTORS WHO
14 VOTED IN THE ELECTION, NEITHER BALLOT QUESTION SHALL TAKE EFFECT
15 AND THE BOUNDARIES OF THE DISTRICT SHALL CONTINUE TO INCLUDE THE
16 PARTS OF THE TOWN OF PARKER THAT WERE INCLUDED IN THE DISTRICT
17 BEFORE SUCH ELECTION.

18 (4) IN THE EVENT THAT THE BALLOT QUESTION TO EXCLUDE ALL
19 OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF PARKER TAKES
20 EFFECT PURSUANT TO SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION:

21 (a) THE EFFECTIVE DATE OF THE EXCLUSION IS THE EARLIER OF:

22 (I) DECEMBER 31, 2050; OR

23 (II) THE DATE ON WHICH DISTRICT SECURITIES THAT WERE
24 SECURED BY THE SPECIFIC PLEDGE OF PROCEEDS OF SALES TAXES
25 PURSUANT TO SECTION 32-9-131 ON OR BEFORE JANUARY 1, 2021, ARE
26 REPAYED.

27 (b) THE DISTRICT MAY CONTINUE TO RECEIVE THE PROCEEDS OF

1 SALES AND USE TAXES FROM THE AREA OF THE TOWN OF PARKER THAT IS
2 INCLUDED IN THE BOUNDARIES OF THE DISTRICT AFTER THE BALLOT
3 QUESTION TO EXCLUDE THE AREA IS ADOPTED, BUT BEFORE THE EFFECTIVE
4 DATE OF THE EXCLUSION PROVIDED THAT THE DISTRICT PROVIDES THE
5 TOWN OF PARKER WITH A LEVEL OF SERVICE THAT IS REASONABLY
6 PROPORTIONAL TO THE AMOUNT OF SALES TAXES THAT ARE RECEIVED BY
7 THE DISTRICT FROM THE AREA OF THE TOWN OF PARKER THAT IS INCLUDED
8 IN THE BOUNDARIES OF THE DISTRICT. FOR PURPOSES OF THIS SECTION,
9 SERVICE IS "REASONABLY PROPORTIONAL" IF THE DISTRICT'S ACTUAL
10 COSTS OF PROVIDING SERVICE TO THE TOWN OF PARKER EQUALS OR
11 EXCEEDS FIFTY PERCENT OF THE AMOUNT OF SALES AND USE TAXES THAT
12 ARE RECEIVED BY THE DISTRICT FROM THE AREA OF THE TOWN OF PARKER
13 THAT IS INCLUDED IN THE BOUNDARIES OF THE DISTRICT IN THAT FISCAL
14 YEAR.

15 **SECTION 2.** In Colorado Revised Statutes, 32-9-106.1, **amend**
16 (1)(a) introductory portion, (1)(a)(II), and (2)(e)(III) as follows:

17 **32-9-106.1. District area.** (1) (a) Subject to the requirements of
18 ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section, the area
19 comprising the district shall consist of the following:

20 (II) Any additional area annexed to or included in the district after
21 July 1, 2007, as provided in sections **32-9-106.2**, 32-9-106.6, 32-9-106.7,
22 and 32-9-106.8.

23 (2) (e) (III) An annexation or inclusion of additional area into the
24 district as provided in sections **32-9-106.2**, 32-9-106.6, 32-9-106.7, and
25 32-9-106.8 shall not become effective until the board updates the map and
26 written document specified in ~~paragraph (a) of this subsection (2)~~
27 SUBSECTION (2)(a) as required in ~~subparagraph (II) of this paragraph (c)~~

1 SUBSECTION (2)(e)(II) OF THIS SECTION.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2022 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.