

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 21-262

BY SENATOR(S) Zenzinger and Gardner, Ginal, Moreno, Pettersen, Priola, Woodward;
also REPRESENTATIVE(S) Bird and McKean, Michaelson Jenet, Ricks.

CONCERNING TRANSPARENCY FOR SPECIAL DISTRICTS.

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

SECTION 1. In Colorado Revised Statutes, 1-13.5-501, **amend** (1); and **add** (1.5) and (1.7) as follows:

1-13.5-501. Call for nominations - definitions. (1) Between seventy-five and one hundred days before a regular local government election, the designated election official shall provide PUBLIC notice ~~by publication~~ of a call for nominations for the election. The call must state the director offices to be voted upon at the election, where a self-nomination and acceptance form or letter may be obtained, the deadline for submitting the self-nomination and acceptance form or letter to the designated election official, and information on obtaining an absentee ballot.

(1.5) EXCEPT AS OTHERWISE REQUIRED BY SUBSECTION (1.7) OF THIS SECTION, THE PUBLIC NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

MUST BE MADE BY PUBLICATION AS DEFINED BY SUBSECTION (2) OF THIS SECTION AND BY ANY ONE OF THE FOLLOWING MEANS:

(a) MAILING THE NOTICE, AT THE LOWEST COST OPTION, TO EACH ADDRESS AT WHICH ONE OR MORE ACTIVE REGISTERED ELECTORS OF THE LOCAL GOVERNMENT RESIDES AS SPECIFIED IN THE REGISTRATION LIST PROVIDED BY THE COUNTY CLERK AND RECORDER AS OF THE DATE THAT IS ONE HUNDRED FIFTY DAYS PRIOR TO THE DATE OF THE REGULAR LOCAL GOVERNMENT ELECTION;

(b) INCLUDING THE NOTICE AS A PROMINENT PART OF A NEWSLETTER, ANNUAL REPORT, BILLING INSERT, BILLING STATEMENT, LETTER, VOTER INFORMATION CARD OR OTHER NOTICE OF ELECTION, OR OTHER INFORMATIONAL MAILING SENT BY THE LOCAL GOVERNMENT TO THE ELIGIBLE ELECTORS OF THE LOCAL GOVERNMENT;

(c) POSTING THE INFORMATION ON THE OFFICIAL WEBSITE OF THE LOCAL GOVERNMENT; OR

(d) FOR A LOCAL GOVERNMENT WITH FEWER THAN ONE THOUSAND ELIGIBLE ELECTORS THAT IS WHOLLY LOCATED WITHIN A COUNTY THE POPULATION OF WHICH IS LESS THAN THIRTY THOUSAND PEOPLE, POSTING THE NOTICE IN AT LEAST THREE PUBLIC PLACES WITHIN THE TERRITORIAL BOUNDARIES OF THE LOCAL GOVERNMENT AND, IN ADDITION, POSTING A NOTICE IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE LOCAL GOVERNMENT IS LOCATED. ANY SUCH NOTICES MUST REMAIN POSTED UNTIL THE DAY AFTER THE CALL FOR NOMINATIONS CLOSES.

(1.7) (a) IN THE CASE OF ANY METROPOLITAN DISTRICT THAT WAS ORGANIZED AFTER JANUARY 1, 2000, IN ACCORDANCE WITH TITLE 32, THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST BE MADE BY EMAILING THE NOTICE TO EACH ACTIVE REGISTERED ELECTOR OF THE METROPOLITAN DISTRICT AS SPECIFIED IN THE REGISTRATION LIST PROVIDED BY THE COUNTY CLERK AND RECORDER AS OF THE DATE THAT IS ONE HUNDRED FIFTY DAYS PRIOR TO THE DATE OF THE REGULAR LOCAL GOVERNMENT ELECTION. WHERE THE ACTIVE REGISTERED ELECTOR DOES NOT HAVE AN E-MAIL ADDRESS ON FILE FOR SUCH PURPOSE WITH THE COUNTY CLERK AND RECORDER AS OF THE DATE THAT IS NOT LATER THAN ONE HUNDRED FIFTY DAYS PRIOR TO THE DATE OF THE REGULAR LOCAL GOVERNMENT ELECTION, THE PUBLIC NOTICE REQUIRED BY SUBSECTION (1)

OF THIS SECTION MUST BE MADE BY MAILING THE NOTICE, AT THE LOWEST COST OPTION, TO EACH ADDRESS AT WHICH ONE OR MORE ACTIVE REGISTERED ELECTORS OF THE METROPOLITAN DISTRICT RESIDES AS SPECIFIED IN THE REGISTRATION LIST PROVIDED BY THE COUNTY CLERK AND RECORDER AS OF THE DATE THAT IS ONE HUNDRED FIFTY DAYS PRIOR TO THE DATE OF THE REGULAR LOCAL GOVERNMENT ELECTION.

(b) IN ADDITION TO THE PUBLIC NOTICE REQUIRED BY SUBSECTION (1.7)(a) OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL ALSO PROVIDE PUBLIC NOTICE BY ANY ONE OF THE FOLLOWING MEANS:

(I) PUBLICATION AS DEFINED IN SUBSECTION (2) OF THIS SECTION;

(II) INCLUDING THE NOTICE AS A PROMINENT PART OF A NEWSLETTER, ANNUAL REPORT, BILLING INSERT, BILLING STATEMENT, LETTER, VOTER INFORMATION CARD OR OTHER NOTICE OF ELECTION, OR OTHER INFORMATIONAL MAILING SENT BY THE METROPOLITAN DISTRICT TO THE ELIGIBLE ELECTORS OF THE METROPOLITAN DISTRICT;

(III) POSTING THE INFORMATION ON THE OFFICIAL WEBSITE OF THE METROPOLITAN DISTRICT; OR

(IV) FOR A METROPOLITAN DISTRICT WITH FEWER THAN ONE THOUSAND ELIGIBLE ELECTORS THAT IS WHOLLY LOCATED WITHIN A COUNTY, THE POPULATION OF WHICH IS LESS THAN THIRTY THOUSAND PEOPLE, POSTING THE NOTICE IN AT LEAST THREE PUBLIC PLACES WITHIN THE TERRITORIAL BOUNDARIES OF THE METROPOLITAN DISTRICT AND, IN ADDITION, POSTING A NOTICE IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE SPECIAL DISTRICT IS LOCATED. ANY SUCH NOTICES MUST REMAIN POSTED UNTIL THE DAY AFTER THE CALL FOR NOMINATIONS CLOSES.

SECTION 2. In Colorado Revised Statutes, 32-1-104, **amend** (5) as follows:

32-1-104. Establishment of a special districts file.

(5) Notwithstanding any other provision of law, inactive special districts ~~shall be~~ ARE exempt from compliance with ~~the provisions of~~ subsection (2) of this section; sections *32-1-104.5 (3)*, *32-1-207 (3)(c)*, 32-1-306, 32-1-809, and 32-1-903; parts 1, 2, and 6 of article 1 of title 29; ~~C.R.S.~~; and

part 1 of article 1 and part 1 of article 5 of title 39. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 32-1-104.5, **add** (3) as follows:

32-1-104.5. Audit and budget requirements - election results - description on websites. (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(d) OF THIS SECTION, WITHIN ONE YEAR OF THE DATE AN ORDER AND DECREE HAS BEEN ISSUED BY A DISTRICT COURT FOR A NEWLY ORGANIZED METROPOLITAN DISTRICT, OR BY JANUARY 1, 2023, FOR ANY METROPOLITAN DISTRICT THAT HAS RECEIVED AN ORDER AND DECREE FROM THE DISTRICT COURT IN CONNECTION WITH ITS ORGANIZATION AFTER JANUARY 1, 2000, BUT BEFORE JANUARY 1, 2022, THE METROPOLITAN DISTRICT SHALL ESTABLISH, MAINTAIN, AND, UNLESS OTHERWISE SPECIFIED, ANNUALLY UPDATE AN OFFICIAL WEBSITE IN A FORM THAT IS READILY ACCESSIBLE TO THE PUBLIC THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THE NAMES, TERMS, AND CONTACT INFORMATION FOR THE CURRENT DIRECTORS OF THE BOARD OF THE METROPOLITAN DISTRICT AND OF THE MANAGER OF THE METROPOLITAN DISTRICT, IF APPLICABLE;

(II) THE CURRENT FISCAL YEAR BUDGET OF THE METROPOLITAN DISTRICT AND, WITHIN THIRTY DAYS OF ADOPTION BY THE BOARD OF THE METROPOLITAN DISTRICT, ANY AMENDMENTS TO THE BUDGET;

(III) THE PRIOR YEAR'S AUDITED FINANCIAL STATEMENTS OF THE METROPOLITAN DISTRICT, IF APPLICABLE, OR AN APPLICATION FOR EXEMPTION FROM AN AUDIT PREPARED IN ACCORDANCE WITH THE "COLORADO LOCAL GOVERNMENT AUDIT LAW", PART 6 OF ARTICLE 1 OF TITLE 29, WITHIN THIRTY DAYS OF THE FILING OF THE APPLICATION WITH THE STATE AUDITOR;

(IV) THE ANNUAL REPORT OF THE METROPOLITAN DISTRICT IN ACCORDANCE WITH SECTION 32-1-207 (3)(c);

(V) BY JANUARY 30 OF EACH YEAR, THE DATE, TIME, AND LOCATION OF SCHEDULED REGULAR MEETINGS OF THE DISTRICT'S BOARD FOR THE CURRENT FISCAL YEAR;

(VI) IF REQUIRED BY SECTION 1-13.5-501 (1.5), BY NO LATER THAN

SEVENTY-FIVE DAYS PRIOR TO A REGULAR ELECTION FOR AN ELECTION AT WHICH MEMBERS OF A BOARD OF DIRECTORS FOR A METROPOLITAN DISTRICT WILL BE CONSIDERED, THE CALL FOR NOMINATIONS PURSUANT TO SECTION 1-13.5-501 (1);

(VII) NOT MORE THAN THIRTY DAYS AFTER AN ELECTION, CERTIFIED ELECTION RESULTS FOR AN ELECTION CONDUCTED WITHIN THE CURRENT FISCAL YEAR;

(VIII) A CURRENT MAP DEPICTING THE BOUNDARIES OF THE METROPOLITAN DISTRICT AS OF JANUARY 1 OF THE CURRENT FISCAL YEAR; AND

(IX) ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE BOARD OF DIRECTORS OF THE METROPOLITAN DISTRICT.

(b) METROPOLITAN DISTRICTS SERVING THE SAME COMMUNITY MAY ESTABLISH AND MAINTAIN A CONSOLIDATED WEBSITE PROVIDED THE WEBSITE CLEARLY IDENTIFIES EACH METROPOLITAN DISTRICT AND PROVIDES THE REQUIRED INFORMATION SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION FOR EACH METROPOLITAN DISTRICT.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NOTICE OF MEETING CONTAINING THE INFORMATION SET FORTH IN SECTION 24-6-402 (2)(c)(III) AND POSTED ON THE METROPOLITAN DISTRICT'S WEBSITE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO SUCH MEETING SATISFIES THE REQUIREMENTS OF SECTION 24-6-402 (2)(c)(III).

(d)(I) ANY METROPOLITAN DISTRICT IN INACTIVE STATUS PURSUANT TO SECTION 32-1-104 (3) IS NOT REQUIRED TO ESTABLISH, MAINTAIN, OR UPDATE AN OFFICIAL WEBSITE DURING INACTIVE STATUS. A METROPOLITAN DISTRICT RETURNING TO ACTIVE STATUS SHALL COMPLY WITH THIS SUBSECTION (3) WITHIN NINETY DAYS OF ADOPTION OF A RESOLUTION RETURNING TO ACTIVE STATUS.

(II) ANY METROPOLITAN DISTRICT THAT DOES NOT HAVE THE POWER TO IMPOSE AN AD VALOREM PROPERTY TAX IS NOT REQUIRED TO ESTABLISH, MAINTAIN, OR UPDATE AN OFFICIAL WEBSITE PURSUANT TO THIS SUBSECTION (3).

SECTION 4. In Colorado Revised Statutes, 32-1-207, **amend** (3)(c), (3)(d), and (4) as follows:

32-1-207. Compliance - modification - enforcement. (3) (c) (I) ~~A board of county commissioners may request any special district located wholly or partially within the county's unincorporated area, and the governing body of any municipality may request any special district located wholly or partially within the municipality's boundaries, to file;~~ ANY SPECIAL DISTRICT CREATED AFTER JULY 1, 2000, SHALL FILE not more than once a year a special district annual report FOR THE PRECEDING CALENDAR YEAR. UNLESS THE REQUIREMENT IS WAIVED OR OTHERWISE REQUESTED BY AN EARLIER DATE BY THE BOARD OF COUNTY COMMISSIONERS OR BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH A SPECIAL DISTRICT IS WHOLLY OR PARTIALLY LOCATED, COMMENCING IN 2023 FOR THE 2022 CALENDAR YEAR, THE ANNUAL REPORT MUST BE PROVIDED IN ACCORDANCE WITH THIS SUBSECTION (3)(c) BY OCTOBER 1 OF EACH YEAR. The annual report ~~shall~~ MUST be ELECTRONICALLY filed with the ~~board of county commissioners, any municipality in which the special district is wholly or partially located;~~ GOVERNING BODY THAT APPROVED THE SERVICE PLAN OR, IF THE JURISDICTION HAS CHANGED DUE TO ANNEXATION INTO A MUNICIPALITY, THE CURRENT GOVERNING BODY WITH JURISDICTION OVER THE SPECIAL DISTRICT, the division, and the state auditor, and such report ~~shall~~ MUST be ~~deposited~~ ELECTRONICALLY FILED with the county clerk and recorder for public inspection, and a copy of the report ~~shall~~ MUST be made available by the special district to ~~any interested party pursuant to section 32-1-204 (1). If a special district files an annual report pursuant to this paragraph (c);~~ ON THE SPECIAL DISTRICT'S WEBSITE PURSUANT TO SECTION 32-1-104.5 (3).

(II) ~~Such~~ THE report ~~shall~~ REQUIRED BY THIS SUBSECTION (3)(c) MUST include, AS APPLICABLE FOR THE REPORTING YEAR, but shall not be limited to: ~~information on the progress of the special district in the implementation of the service plan~~

(A) BOUNDARY CHANGES MADE;

(B) INTERGOVERNMENTAL AGREEMENTS ENTERED INTO OR TERMINATED WITH OTHER GOVERNMENTAL ENTITIES;

(C) ACCESS INFORMATION TO OBTAIN A COPY OF RULES AND

REGULATIONS ADOPTED BY THE BOARD;

(D) A SUMMARY OF LITIGATION INVOLVING PUBLIC IMPROVEMENTS OWNED BY THE SPECIAL DISTRICT;

(E) THE STATUS OF THE CONSTRUCTION OF PUBLIC IMPROVEMENTS BY THE SPECIAL DISTRICT;

(F) A LIST OF FACILITIES OR IMPROVEMENTS CONSTRUCTED BY THE SPECIAL DISTRICT THAT WERE CONVEYED OR DEDICATED TO THE COUNTY OR MUNICIPALITY;

(G) THE FINAL ASSESSED VALUATION OF THE SPECIAL DISTRICT AS OF DECEMBER 31 OF THE REPORTING YEAR;

(H) A COPY OF THE CURRENT YEAR'S BUDGET;

(I) A COPY OF THE AUDITED FINANCIAL STATEMENTS, IF REQUIRED BY THE "COLORADO LOCAL GOVERNMENT AUDIT LAW", PART 6 OF ARTICLE 1 OF TITLE 29, OR THE APPLICATION FOR EXEMPTION FROM AUDIT, AS APPLICABLE;

(J) NOTICE OF ANY UNCURED DEFAULTS EXISTING FOR MORE THAN NINETY DAYS UNDER ANY DEBT INSTRUMENT OF THE SPECIAL DISTRICT; AND

(K) ANY INABILITY OF THE SPECIAL DISTRICT TO PAY ITS OBLIGATIONS AS THEY COME DUE UNDER ANY OBLIGATION WHICH CONTINUES BEYOND A NINETY-DAY PERIOD.

(III) SPECIAL DISTRICTS OPERATING UNDER A CONSOLIDATED SERVICE PLAN OR SERVING THE SAME COMMUNITY MAY FILE A CONSOLIDATED ANNUAL REPORT SETTING FORTH THE INFORMATION CONTAINED IN THIS SUBSECTION (3)(c) FOR EACH OF THE SPECIAL DISTRICTS. The board of county commissioners or the governing body of the municipality may review the annual reports in a regularly scheduled public meeting, and such review ~~shall~~ MUST be included as an agenda item in the public notice for such meeting. A SPECIAL DISTRICT IS NOT REQUIRED TO FILE AN ANNUAL REPORT FOR ANY YEAR IN WHICH THE SPECIAL DISTRICT WAS IN INACTIVE STATUS FOR THE ENTIRE YEAR PURSUANT TO SECTION 32-1-104 (3).

~~(d) Any special district created on or after July 1, 1991, shall annually file the report specified in paragraph (c) of this subsection (3) with the board of county commissioners or the governing body of the municipality that has adopted a resolution of approval of the special district pursuant to section 32-1-204.5 or 32-1-204.7 for five years after its organization and for succeeding annual periods, if so requested by the board of county commissioners or the governing body of the municipality. The annual report shall also be filed with the division and with the state auditor. The state auditor shall review the annual report and report any apparent decrease in the financial ability of the district to discharge its existing or proposed indebtedness in accordance with the service plan to the division. In such event, the division shall confer with the board of the special district and the board of county commissioners or the governing body of the municipality regarding such condition. The division may establish a standard form for the annual report that the board of a special district may elect to use.~~

(4) In the case of a health service district, a change in service by the district ~~shall not be~~ IS NOT deemed material unless the change affects the license or certificate of compliance issued by the department of public health and environment. A health service district ~~shall be~~ IS exempt from ~~paragraphs (b) and (c) of subsection (3)~~ SUBSECTION (3)(b) AND (3)(c) of this section.

SECTION 5. In Colorado Revised Statutes, 32-1-1004, **amend** (4) as follows:

32-1-1004. Metropolitan districts - additional powers and duties.

(4) A metropolitan district may have and exercise the power of eminent domain and dominant eminent domain and, in the manner provided by article 1 of title 38, ~~C.R.S.~~, may take any property necessary to the exercise of the powers granted, both within and without the special district, only for the purposes of fire protection, sanitation, street improvements, television relay and translator facilities, water, or water and sanitation, except for the acquisition of water rights, and, within the boundaries of the district, if the district is providing park and recreation services, only for the purpose of easements and rights-of-way for access to park and recreational facilities operated by the special district and only where no other access to such facilities exists or can be acquired by other means. A METROPOLITAN DISTRICT SHALL NOT EXERCISE ITS POWER OF DOMINANT EMINENT DOMAIN

WITHIN A MUNICIPALITY OR THE UNINCORPORATED AREA OF A COUNTY, OTHER THAN WITHIN THE BOUNDARIES OF THE JURISDICTION THAT APPROVED ITS SERVICE PLAN, WITHOUT A WRITTEN RESOLUTION APPROVING THE EXERCISE OF DOMINANT EMINENT DOMAIN BY THE GOVERNING BODY OF THE MUNICIPALITY IN CONNECTION WITH PROPERTY THAT IS LOCATED WITHIN AN INCORPORATED AREA OR BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN CONNECTION WITH PROPERTY THAT IS LOCATED WITHIN AN UNINCORPORATED AREA.

SECTION 6. In Colorado Revised Statutes, **add** 38-35.7-110 as follows:

38-35.7-110. Disclosure - estimated future property taxes for newly constructed residences within the boundaries of a metropolitan district - rules - definition. (1) AS USED IN THIS SECTION, "NEWLY CONSTRUCTED RESIDENCE" MEANS A RESIDENTIAL IMPROVEMENT AS DEFINED IN SECTION 39-1-102 (14.3) THAT:

(a) HAS NOT BEEN PREVIOUSLY SOLD TO ITS INTENDED OCCUPANT AS A PLACE OF RESIDENCE; AND

(b) IS LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF A METROPOLITAN DISTRICT.

(2) ON AND AFTER JANUARY 1, 2022, EACH OWNER OF REAL PROPERTY THAT SELLS REAL PROPERTY THAT INCLUDES A NEWLY CONSTRUCTED RESIDENCE, CONCURRENTLY WITH OR PRIOR TO THE EXECUTION OF A CONTRACT TO SELL THE PROPERTY, SHALL PROVIDE TO THE PURCHASER OF THE PROPERTY:

(a) A PAPER COPY, ELECTRONIC COPY, OR A WEBSITE PAGE LINK TO THE NOTICE TO ELECTORS REQUIRED BY SECTION 32-1-809 (1) AS MOST RECENTLY PREPARED AND FILED BY THE METROPOLITAN DISTRICT;

(b) A PAPER COPY, ELECTRONIC COPY, OR A WEBSITE PAGE LINK TO THE SERVICE PLAN OR STATEMENT OF PURPOSE OF THE METROPOLITAN DISTRICT, INCLUDING ANY AMENDMENTS TO THE SERVICE PLAN, AS FILED WITH THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS;

(c) A STATEMENT IN WRITING DISCLOSING THAT:

(I) PURSUANT TO ITS SERVICE PLAN, THE METROPOLITAN DISTRICT HAS AUTHORITY TO ISSUE UP TO ____ DOLLARS OF DEBT AND, IF APPLICABLE, THAT THE DEBT OF THE DISTRICT MAY BE REPAID THROUGH AD VALOREM PROPERTY TAXES, FROM A DEBT SERVICE MILL LEVY ON ALL TAXABLE PROPERTY OF THE DISTRICT, OR ANY OTHER LEGALLY AVAILABLE REVENUES OF THE DISTRICT;

(II) THE MAXIMUM DEBT SERVICE MILL LEVY THE METROPOLITAN DISTRICT IS PERMITTED TO IMPOSE UNDER THE SERVICE PLAN IS ____ MILLS OR, IF NO MAXIMUM DEBT SERVICE MILL LEVY IS SPECIFIED IN THE SERVICE PLAN, A STATEMENT THAT THERE IS NO MAXIMUM DEBT SERVICE MILL LEVY. IF APPLICABLE, THE STATEMENT MUST ALSO DISCLOSE WHETHER THE DEBT SERVICE MILL LEVY CAP MAY BE ADJUSTED DUE TO CHANGES IN THE CONSTITUTIONAL OR STATUTORY METHOD OF ASSESSING PROPERTY TAX OR IN THE ASSESSMENT RATIO, OR BY AMENDMENTS TO THE SERVICE PLAN OR VOTER AUTHORIZATIONS.

(III) IN ADDITION TO IMPOSING A DEBT SERVICE MILL LEVY, THE METROPOLITAN DISTRICT IS ALSO AUTHORIZED TO IMPOSE A SEPARATE MILL LEVY TO GENERATE REVENUES FOR GENERAL OPERATING EXPENSES. IF APPLICABLE, THE STATEMENT MUST ALSO DISCLOSE WHETHER THE AMOUNT OF THE GENERAL OPERATING EXPENSES MILL LEVY MAY BE INCREASED AS NECESSARY, SEPARATE AND APART FROM THE DEBT SERVICE MILL LEVY CAP. IN THE ALTERNATIVE, IF THE SERVICE PLAN PROVIDES FOR THE AGGREGATE MILL LEVY CAP FOR DEBT SERVICE AND GENERAL OPERATING EXPENSES COMBINED, THE STATEMENT MUST ADDRESS THE APPLICABLE AGGREGATE MILL LEVY CAP.

(IV) THE METROPOLITAN DISTRICT MAY ALSO RELY UPON VARIOUS OTHER REVENUE SOURCES AUTHORIZED BY LAW TO OFFSET ITS EXPENSES OF CAPITAL CONSTRUCTION AND GENERAL OPERATING EXPENSES. PURSUANT TO COLORADO LAW, THE DISTRICT MAY IMPOSE FEES, RATES, TOLLS, PENALTIES, OR OTHER CHARGES AS PROVIDED IN TITLE 32. THE STATEMENT MUST INCLUDE THAT A CURRENT FEE SCHEDULE, IF APPLICABLE, IS AVAILABLE FROM THE METROPOLITAN DISTRICT.

(d) (I) AN ESTIMATE OF THE PROPERTY TAXES LEVIED BY THE METROPOLITAN DISTRICT THAT ARE APPLICABLE TO THE PROPERTY FOR

COLLECTION DURING THE YEAR IN WHICH THE SALE OCCURS, WHICH ESTIMATE MUST INCLUDE ANY DEBT SERVICE MILL LEVIES THAT ARE SPECIFIED IN SUBSECTION (2)(c)(II) OF THIS SECTION AND ANY MILL LEVIES FOR GENERAL OPERATING EXPENSES THAT ARE SPECIFIED IN SUBSECTION (2)(c)(III) OF THIS SECTION, SHOWN BOTH AS THE TOTAL MILL LEVY AS WELL AS THE TOTAL DOLLAR AMOUNT THAT COULD BE COLLECTED BASED UPON THE PURCHASE PRICE OF THE PROPERTY, THE RESIDENTIAL ASSESSMENT RATE, AND MILL LEVIES THAT ARE IN EFFECT IN THE DISTRICT AT THE TIME OF THE SALE.

(II) A SELLER HAS COMPLIED WITH SUBSECTION (2)(d)(I) OF THIS SECTION IF THE SELLER PROVIDES TO THE PURCHASER THE MILL LEVY, THE RESIDENTIAL ASSESSMENT RATIO, AND A FORMULA BY WHICH THE PURCHASER MAY CALCULATE THE ESTIMATED PROPERTY TAXES ON THE PROPERTY FOR THE CURRENT YEAR.

(e) A COPY OF THE MOST CURRENT COUNTY ASSESSOR'S PROPERTY TAX CERTIFICATE APPLICABLE TO THE PROPERTY AS AN ESTIMATE OF THE SUM OF ADDITIONAL PROPERTY TAXES LEVIED BY OTHER TAXING ENTITIES THAT OVERLAP THE PROPERTY IN WHICH THE NEWLY CONSTRUCTED RESIDENCE IS LOCATED.

(3) IN DISCLOSING AN ESTIMATE OF PROPERTY TAXES FOR PURPOSES OF SATISFYING SUBSECTIONS (2)(d)(I) OF THIS SECTION, THE SELLER SHALL CALCULATE THE ESTIMATE BASED UPON APPLICATION OF THE FOLLOWING ASSUMPTIONS:

(a) THE PURCHASE PRICE IS CONSIDERED TO BE THE VALUE OF THE REAL PROPERTY INCLUDING THE NEWLY CONSTRUCTED RESIDENCE AS REFLECTED IN THE CONTRACT TO PURCHASE THE PROPERTY;

(b) THE RATIO OF VALUATION FOR ASSESSMENT IS THE SAME AS THE RESIDENTIAL REAL PROPERTY ASSESSMENT RATIO SET FORTH IN SECTION 39-1-104.2 FOR THE PROPERTY TAX YEAR IN WHICH THE SALE OCCURS; AND

(c) THE MILL LEVIES ARE THE SAME AS THOSE LEVIED BY ALL TAXING ENTITIES THAT ARE APPLICABLE TO THE PROPERTY FOR THE PROPERTY TAX YEAR IN WHICH THE SALE OCCURS; EXCEPT THAT, IF THE SELLER HAS ACTUAL KNOWLEDGE THAT THE TOTAL MILL LEVIES WILL CHANGE IN THE NEXT PROPERTY TAX YEAR, THE SELLER SHALL USE THE UPDATED INFORMATION

IN MAKING THE CALCULATION.

(4) ALONG WITH THE ESTIMATE REQUIRED BY SUBSECTION (2) OF THIS SECTION, THE SELLER SHALL INCLUDE, IN BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE, THE FOLLOWING STATEMENT:

THIS ESTIMATE ONLY PROVIDES AN ILLUSTRATION OF THE AMOUNT OF THE NEW PROPERTY TAXES THAT MAY BE DUE AND OWING AFTER THE PROPERTY HAS BEEN REASSESSED AND, IN SOME INSTANCES, RECLASSIFIED AS RESIDENTIAL PROPERTY. THIS ESTIMATE IS NOT A STATEMENT OF THE ACTUAL AND FUTURE TAXES THAT MAY BE DUE. FIRST YEAR PROPERTY TAXES MAY BE BASED ON A PREVIOUS YEAR'S TAX CLASSIFICATION, WHICH MAY NOT INCLUDE THE FULL VALUE OF THE PROPERTY AND, CONSEQUENTLY, TAXES MAY BE HIGHER IN SUBSEQUENT YEARS. A SELLER HAS COMPLIED WITH THIS DISCLOSURE STATEMENT AS LONG AS THE DISCLOSURE IS BASED UPON A GOOD-FAITH EFFORT TO PROVIDE ACCURATE ESTIMATES AND INFORMATION.

(5) A SELLER IS DEEMED TO HAVE COMPLIED WITH THIS SECTION AS LONG AS THE DISCLOSURES REQUIRED BY THIS SECTION ARE BASED UPON A GOOD-FAITH EFFORT TO PROVIDE ACCURATE ESTIMATES AND INFORMATION.

SECTION 7. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO