

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0643.01 Megan Waples x4348

SENATE BILL 22-046

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House 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 the district.

The ballot questions may be initiated by petitions signed by at least 5% of the voters, or the governing body of the town of Parker 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, 2022, 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 **- definition.** (1) IN CONSIDERATION OF THE FACT THAT VARIOUS
6 NONCONTIGUOUS PARCELS OF THE TOWN OF PARKER ARE INCLUDED IN THE
7 DISTRICT, THE VOTERS OF THE TOWN OF PARKER MAY ELECT TO
8 CONSOLIDATE THE STATUS OF THE TOWN OF PARKER AS COMPLETELY
9 INCLUDED IN OR COMPLETELY EXCLUDED FROM THE BOUNDARIES OF THE
10 DISTRICT AT AN ELECTION HELD PURSUANT TO SUBSECTION (2) OF THIS

1 SECTION.

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

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

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

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

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

22 (I) THE ELECTION IS HELD EITHER AT THE GENERAL ELECTION HELD
23 IN NOVEMBER 2022 OR ANY REGULAR LOCAL DISTRICT ELECTION FOR THE
24 TOWN OF PARKER HELD THEREAFTER, AS DETERMINED BY THE GOVERNING
25 BODY OF THE TOWN OF PARKER. THE TOWN OF PARKER SHALL PAY THE
26 COSTS OF SUCH ELECTIONS.

27 (II) ONE BALLOT QUESTION ALLOWS ALL OF THE REGISTERED

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

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

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

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

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

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

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

27 (b) IF BOTH THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA

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

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

15 (4) IF THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA
16 WITHIN THE BOUNDARIES OF THE TOWN OF PARKER TAKES EFFECT
17 PURSUANT TO SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION:

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

19 (I) DECEMBER 31, 2050; OR

20 (II) THE DATE ON WHICH ALL DISTRICT SECURITIES THAT WERE
21 SECURED BY THE SPECIFIC PLEDGE OF PROCEEDS OF SALES TAXES
22 PURSUANT TO SECTION 32-9-131 ON OR BEFORE JANUARY 1, 2022, ARE
23 REPAYED.

24 (b) THE DISTRICT MAY CONTINUE TO RECEIVE THE PROCEEDS OF
25 SALES AND USE TAXES FROM THE AREA OF THE TOWN OF PARKER THAT IS
26 INCLUDED IN THE BOUNDARIES OF THE DISTRICT AFTER THE BALLOT
27 QUESTION TO EXCLUDE THE AREA IS ADOPTED, BUT BEFORE THE EFFECTIVE

1 DATE OF THE EXCLUSION, SO LONG AS THE DISTRICT PROVIDES THE TOWN
2 OF PARKER WITH A LEVEL OF SERVICE THAT IS REASONABLY
3 PROPORTIONAL TO THE AMOUNT OF SALES TAXES THAT ARE RECEIVED BY
4 THE DISTRICT FROM THE AREA OF THE TOWN OF PARKER THAT IS INCLUDED
5 IN THE BOUNDARIES OF THE DISTRICT. FOR PURPOSES OF THIS SECTION,
6 SERVICE IS "REASONABLY PROPORTIONAL" IF THE DISTRICT'S ACTUAL
7 COSTS OF PROVIDING SERVICE TO THE TOWN OF PARKER EQUALS OR
8 EXCEEDS FIFTY PERCENT OF THE AMOUNT OF SALES AND USE TAXES THAT
9 ARE RECEIVED BY THE DISTRICT FROM THE AREA OF THE TOWN OF PARKER
10 THAT IS INCLUDED IN THE BOUNDARIES OF THE DISTRICT IN ANY GIVEN
11 DISTRICT FISCAL YEAR.

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

14 **32-9-106.1. District area.** (1) (a) Subject to the requirements of
15 ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section, the area
16 comprising the district ~~shall consist~~ CONSISTS of the following:

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

20 (2) (e) (III) An annexation or inclusion of additional area into the
21 district as provided in sections **32-9-106.2**, 32-9-106.6, 32-9-106.7, and
22 32-9-106.8 shall not become effective until the board updates the map and
23 written document specified in ~~paragraph (a) of this subsection (2)~~
24 SUBSECTION (2)(a) OF THIS SECTION as required in ~~subparagraph (H) of~~
25 ~~this paragraph (e)~~ SUBSECTION (2)(e)(II) OF THIS SECTION.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

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