

CHAPTER 144

**GOVERNMENT - STATE**

HOUSE BILL 94-1248

BY REPRESENTATIVES Schauer, Kaufman, and Williams;  
also SENATORS Bishop and Blickensderfer.

**AN ACT**

CONCERNING CHANGES TO THE STATUTORY PROVISIONS REGARDING PUBLIC LIBRARIES TO CONFORM THOSE PROVISIONS TO THE ELECTION REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

**SECTION 1.** 24-90-106 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-90-106. Establishment of public libraries - contract to receive library service.** (1) Any governmental unit of the state of Colorado has the power to establish and maintain a public library under the provisions of this part 1, either by itself or in cooperation with one or more other governmental units. Specific written notification of the proposed establishment shall be given at least ninety days prior to anticipated action on ~~such~~ THE proposed establishment to each governmental unit maintaining a public library in the proposed library service area and each library board of trustees thereof. The legislative body of any governmental unit ~~which~~ THAT maintains a public library within the territory to be served by a county library or a library district or the board of trustees of an established library district shall decide, by resolution or ordinance, whether or not to participate in ~~said~~ THE county library or library district. IF PARTICIPATION IN THE COUNTY LIBRARY OR LIBRARY DISTRICT IS TO BE FUNDED BY ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS, THE RESOLUTION OR ORDINANCE SHALL STATE THAT THE ELECTORS OF THE LIBRARY DISTRICT OR GOVERNMENTAL UNIT MUST APPROVE THAT LEVY BEFORE PARTICIPATION CAN BE EFFECTED. Written notice of a decision not to participate shall be filed with the board of county commissioners in the case of a proposed county library or with the boards of county commissioners of each county having territory within the library

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

service area in the case of a proposed library district. ~~Such~~ THE notice shall be filed at least thirty days prior to action being taken on the resolution or ordinance to create a county library or library district or on the resolution to conduct an election to create ~~such~~ THE county library or library district.

(2) If a municipality is included in the service area of an existing county library or library district, ~~such~~ public library service shall not be refused or discontinued other than as provided in this article. The municipality may establish its own municipal library only by choosing to do so by means of financial support ~~which~~ THAT does not affect the financial support previously established for the county library or library district; except that the municipality and the county library or library district may, by mutual written agreement, permit a financing method for a municipal library ~~which~~ THAT does affect the financial support previously established for the county library or library district. IF ESTABLISHMENT OF THE MUNICIPAL LIBRARY IS TO BE FUNDED BY ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS OF THE MUNICIPALITY, THE ELECTORS MUST APPROVE THAT LEVY BEFORE THE MUNICIPALITY CAN ESTABLISH THE LIBRARY.

**SECTION 2.** 24-90-107 (2) (c), (2) (d), and (3) (a) (V), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-90-107. Method of establishment.** (2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

(c) The resolution or ordinance shall describe the proposed library service area, expressly including any excluded areas, ~~and~~ shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, AND SHALL STATE THAT THE ELECTORS OF THE GOVERNMENTAL UNIT OR LIBRARY DISTRICT MUST APPROVE ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS BEFORE THE LIBRARY CAN BE ESTABLISHED.

(d) Upon the adoption of the resolution or ordinance, the legislative body or bodies shall ~~forthwith~~ establish ~~such~~ THE public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting ~~such~~ THE establishment OR, IF ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS IS TO PROVIDE THE FINANCIAL SUPPORT, FOLLOWING ELECTOR APPROVAL OF THAT LEVY.

(3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:

(a) The petition shall set forth:

(V) Specification of the mill levy to be imposed or other type and amount of funding AND THAT THE ELECTORS MUST APPROVE ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS BEFORE THE COUNTY OR MUNICIPAL LIBRARY OR

LIBRARY DISTRICT CAN BE ESTABLISHED.

**SECTION 3.** 24-90-110.5 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-90-110.5. Metropolitan library districts - formation.** (1)(a) A metropolitan library district may be established by a city and county and one or more counties or by two or more counties within a standard metropolitan statistical area if the combined population of the governmental units is at least five hundred thousand people, but only one metropolitan library district may be formed in any standard metropolitan statistical area.

(b) (I) A metropolitan library district may be established by the legislative bodies of each governmental unit adopting a resolution or an ordinance to that effect or by petition of one hundred registered electors residing within an eligible governmental unit addressed to the legislative body of the governmental unit.

(II) IF THE ESTABLISHMENT OF THE METROPOLITAN LIBRARY DISTRICT IS TO BE FUNDED BY ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS, THE RESOLUTION, ORDINANCE, OR PETITION SHALL STATE THAT THE ELECTORS MUST APPROVE THAT LEVY BEFORE THE METROPOLITAN LIBRARY DISTRICT CAN BE ESTABLISHED.

(III) The petition shall contain a general description of the boundaries of the proposed metropolitan library district with such certainty as to enable a property owner to determine whether or not his OR HER property is within the proposed district.

(IV) At the time of filing the petition, a bond shall be filed with ~~said~~ THE legislative body sufficient to pay all expenses connected with the organization of the metropolitan library district if organization is not effected. If the metropolitan library district is initiated by petition, ~~said~~ THE legislative body shall provide for an election to be conducted as provided in section 24-90-107 (3). If organization is effected, the district shall reimburse the legislative body holding the election for expenses incurred in holding the election.

(c) Any metropolitan library district established pursuant to this section may be dissolved by resolution of the legislative bodies of the governmental units comprising ~~such~~ THE district.

**SECTION 4.** 24-90-111 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-90-111. Participation by established library.** (2) If any ~~such~~ resolution or ordinance or election proposes a tax levy ~~of more than one and one-half mills~~ for library funding, ~~in a library district or governmental unit whose electors have not previously authorized a levy, above one and one-half mills, the~~ ANY increased AMOUNT OF tax levy NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS must be authorized by a vote of the electors of that library district or governmental unit before the participation can be effected.

**SECTION 5.** 24-90-112 (1) (a) and (1) (b) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-90-112 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-90-112. Tax support - elections.** (1) (a) (I) IF THE ELECTORS OF THE GOVERNMENTAL UNIT APPROVE A TAX LEVY, the legislative body of any incorporated city or town is hereby authorized to levy ~~a~~ THE tax ~~of not more than one and one-half mills~~ for municipal libraries upon real and personal property for the establishment, operation, and maintenance of a public library.

(II) IF THE ELECTORS OF THE GOVERNMENTAL UNITS APPROVE A TAX LEVY, the board of county commissioners of any of the several counties is hereby authorized to levy ~~a~~ THE tax ~~of not more than one and one-half mills~~ for county libraries ~~and~~ OR library districts upon real and personal property for the establishment, operation, and maintenance of county libraries ~~and~~ OR library districts.

(III) The board of trustees of a metropolitan library district is hereby authorized to determine for each governmental entity creating a metropolitan library district ~~and the legislative body of each such governmental entity is hereby authorized to levy upon real and personal property;~~ the amount of tax ~~not exceeding one and one-half mills which~~ THAT will raise revenue in proportion to the governmental entity's use of the resources of the metropolitan library district. IF THE ELECTORS OF THE GOVERNMENTAL ENTITY APPROVE ANY LEVY, THE LEGISLATIVE BODY OF THE GOVERNMENTAL ENTITY IS HEREBY AUTHORIZED TO LEVY UPON REAL AND PERSONAL PROPERTY THAT AMOUNT OF TAX.

(IV) The tax authorized by ~~this~~ subparagraph (III) OF THIS PARAGRAPH (a) may be levied in addition to any other tax ~~which~~ the participating governmental entities levy for the support of their own public libraries. ~~The legislative body of any governmental unit in which the metropolitan library district was established by resolution or ordinance shall submit the question of continuation of the levy of the tax authorized by this subparagraph (III) to a vote of the registered electors residing in such governmental unit at the next general election. Each voter voting at said election and desirous of voting for or against said question shall cast his vote as provided by law either "Yes" or "No" on the proposition: "Shall the legislative body of (name of city and county or county) be authorized to continue to levy a tax for the maintenance of the metropolitan library district?". The votes cast for the adoption or rejection of said question shall be canvassed and the result determined in the manner provided by law. If the voters reject the continuation of the levy authorized by this subparagraph (III), then that governmental unit's participation in the metropolitan library district is dissolved and may only be reestablished by an affirmative vote of the registered electors in response to the question of establishment which may be submitted to them at the next general election, or any general election thereafter, by the legislative body of the governmental unit upon its own initiative or upon petition in the manner provided in section 24-90-110.5.~~

(b) (I) The legislative body for the specified governmental unit shall submit, after notice, the question of any ~~increase in the existing maximum tax levy to not more than four mills~~ AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS for the establishment, operation, and maintenance of public libraries to a vote of the registered electors

residing in ~~said~~ THE unit or that portion of a library district within ~~said~~ THE unit, as the case may be, at the next ~~municipal election held thereafter in the case of a city or town or at the next general election held thereafter in the case of a county or library district~~ GENERAL ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS, OR ON THE UNIT'S BIENNIAL ELECTION DATE. ~~In the case of a metropolitan library district, no vote on the question of increase may be held in any governmental unit comprising the district which has not had voter approval on the question of participation in the district. Each registered elector voting at said election and desirous of voting for or against said question shall cast his vote as provided by law either "Yes" or "No" on the proposition: "Shall the legislative body of (name of incorporated city or town, county, or library district) be authorized to increase the maximum tax levy from (existing maximum tax levy) to (desired maximum tax levy) for the establishment, operation, and maintenance of public libraries?". The votes cast for the adoption or rejection of said question shall be canvassed and the result determined in the manner provided by law. No election on the question of an increase in the maximum tax levy may be held within two years of the last such election; notwithstanding a change in the territory of the governmental unit or the result in the prior election.~~

(3) APPROVAL OF ANY TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE NOR PREVIOUSLY APPROVED BY THE ELECTORS SHALL CONFORM TO THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

**SECTION 6. Effective date.** This act shall take effect July 1, 1994.

**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 19, 1994