

CHAPTER 123

GOVERNMENT - STATE

HOUSE BILL 97-1055

BY REPRESENTATIVES Nichol, Mace, and Snyder;
also SENATORS Bishop and Rupert.

AN ACT

CONCERNING THE PROVISION OF LIBRARY SERVICES BY LOCAL GOVERNMENTS THROUGH A PETITION PROCESS.

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

SECTION 1. 24-90-107 (3) (c), (3) (d), (3) (e), and (3) (f), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-90-107. Method of establishment. (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:

(c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (c), at the time of filing the petition for the establishment of a library district, a bond shall be filed with the county or counties sufficient to pay all expenses connected with the organization of the library district if such organization is not effected.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY HAVING TERRITORY WITHIN THE LIBRARY SERVICE AREA OF THE PROPOSED LIBRARY DISTRICT MAY:

(A) WAIVE THE BONDING REQUIREMENT; AND

(B) WITH THE CONSENT OF THE BOARD OF TRUSTEES OF AN EXISTING LIBRARY, PAY FOR THE COSTS OF THE ELECTION FOR THE PROPOSED LIBRARY DISTRICT. IF THE LIBRARY SERVICE AREA OF A PROPOSED LIBRARY DISTRICT INCLUDES TWO OR MORE

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

COUNTIES, THE COSTS OF ELECTION FOR SUCH LIBRARY DISTRICT TO BE PAID BY ANY COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL NOT EXCEED A PERCENTAGE OF SAID COSTS EQUAL TO THE PERCENTAGE THAT THE POPULATION OF THE COUNTY WITHIN THE BOUNDARIES OF THE LIBRARY SERVICE AREA BEARS TO THE TOTAL POPULATION WITHIN THE BOUNDARIES OF SUCH SERVICE AREA.

(III) (A) SUBJECT TO THE PROVISIONS OF SUB-SUBPARAGRAPHS (B) AND (C) OF THIS SUBPARAGRAPH (III), THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY HAVING TERRITORY WITHIN THE LIBRARY SERVICE AREA OF THE PROPOSED LIBRARY DISTRICT SHALL PAY NO LESS THAN FIFTY PERCENT OF THE COSTS OF THE ELECTION FOR SUCH LIBRARY DISTRICT IF THE PETITION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION CONTAINS SIGNATURES BY REGISTERED ELECTORS RESIDING IN THE PROPOSED LIBRARY DISTRICT IN AN AMOUNT EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST OF ANY PRECINCT IN THE PROPOSED LIBRARY DISTRICT FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE PREVIOUS GENERAL ELECTION.

(B) PAYMENT OF ELECTION COSTS FOR ANY LIBRARY DISTRICT SHALL NOT BE REQUIRED OF ANY COUNTY UNDER THIS SUBPARAGRAPH (III) MORE THAN ONCE EVERY FOUR YEARS.

(C) IN THE CASE WHERE THE LIBRARY SERVICE AREA OF A PROPOSED LIBRARY DISTRICT INCLUDES TWO OR MORE COUNTIES, THE COSTS OF THE ELECTION FOR SUCH LIBRARY DISTRICT SHALL BE PAID ON A PRORATED BASIS WITH EACH COUNTY WITHIN THE BOUNDARIES OF THE PROPOSED LIBRARY SERVICE AREA PAYING A PERCENTAGE OF SAID COSTS EQUAL TO THE PERCENTAGE THAT THE POPULATION OF THE COUNTY WITHIN THE BOUNDARIES OF THE LIBRARY SERVICE AREA BEARS TO THE TOTAL POPULATION OF SUCH SERVICE AREA.

(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed library service area IN ACCORDANCE WITH THE FOLLOWING PROVISIONS: ~~at the next municipal election held thereafter, in the case of a municipal library, or at the next general election held thereafter, in the case of a library district or county library, so long as such petition has been received by such legislative body or bodies more than ninety days preceding such election.~~

(I) IN THE CASE OF A MUNICIPAL LIBRARY, SUCH ELECTION SHALL BE HELD IN ACCORDANCE WITH ARTICLE 10 OF TITLE 31, C.R.S., AND SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND SHALL BE HELD ON THE DATE OF THE STATE BIENNIAL GENERAL ELECTION, THE FIRST TUESDAY IN NOVEMBER IN ODD-NUMBERED YEARS, OR THE MUNICIPAL REGULAR ELECTION, WHICHEVER IS EARLIEST; EXCEPT THAT SUCH PETITION SHALL BE FILED AT LEAST NINETY DAYS BEFORE SUCH ELECTION.

(II) IN THE CASE OF A LIBRARY DISTRICT OR COUNTY LIBRARY, SUCH ELECTION SHALL BE HELD IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1, C.R.S., AND SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND SHALL BE HELD ON THE DATE OF THE STATE BIENNIAL GENERAL ELECTION OR THE FIRST TUESDAY IN NOVEMBER IN ODD-NUMBERED YEARS, WHICHEVER IS EARLIEST; EXCEPT THAT SUCH

PETITION SHALL BE FILED AT LEAST NINETY DAYS BEFORE SUCH ELECTION.

(III) Public hearings shall be conducted by such legislative body or bodies prior to an election and shall include a discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

~~(e) Notice of such election shall contain the name of the proposed library, a description of the library service area of the proposed library, the name of each establishing governmental unit, the date and place of the election, and the proposed funding.~~

~~(f) The question of the establishment of a municipal or county library shall present the proposition: "Shall the proposed (name of proposed library), county of (name of county), state of Colorado, which shall serve (description of library service area), be established as a public library, and shall the legislative body of (name of county or municipality) be authorized to levy a maximum tax of _____ for the establishment, operation, and maintenance of (name of proposed library)?" The question of the establishment of a library district shall present the proposition: "Shall the proposed (name of proposed district), county(ies) of (name of included county or counties), state of Colorado, which shall include all property within the boundaries of (description of library service area of district), be established as a library district, and shall the board of trustees of the (name of proposed district) certify and the legislative body be authorized to levy a maximum of _____ mills to be levied upon real and personal property for the establishment, operation, and maintenance of (name of proposed district)?"~~

SECTION 2. 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 24, 1997