

CHAPTER 250

**GOVERNMENT - SPECIAL DISTRICTS**

HOUSE BILL 97-1339

BY REPRESENTATIVES Taylor and Clarke;  
also SENATORS Wattenberg and Weddig.

**AN ACT**

CONCERNING THE ABILITY OF AN OVERLAPPING SPECIAL DISTRICT TO PROVIDE THE SAME SERVICE AS THE EXISTING DISTRICT THAT IS OVERLAPPED.

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

**SECTION 1.** 32-1-107 (2), Colorado Revised Statutes, as amended, is amended, and the said 32-1-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**32-1-107. Service area of special districts.** (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, no special district may be organized wholly or partly within an existing special district providing the same service. Nothing in this subsection (2) shall prevent a special district providing different services from organizing wholly or partly within an existing special district. EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, a metropolitan district may be organized wholly or partly within an existing special district, but a metropolitan district shall not provide the same service as the existing special district.

(3) (a) FOR PURPOSES OF THIS SUBSECTION (3), "OVERLAPPING SPECIAL DISTRICT" MEANS A NEW OR EXISTING SPECIAL OR METROPOLITAN DISTRICT LOCATED WHOLLY OR PARTLY WITHIN AN EXISTING SPECIAL OR METROPOLITAN DISTRICT.

(b) AN OVERLAPPING SPECIAL DISTRICT MAY BE AUTHORIZED TO PROVIDE THE SAME SERVICE AS THE EXISTING SPECIAL OR METROPOLITAN DISTRICT THAT THE OVERLAPPING SPECIAL DISTRICT OVERLAPS OR WILL OVERLAP IF:

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

(I) WHERE THE SERVICE PLAN OF SUCH OVERLAPPING SPECIAL DISTRICT IS SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OR COUNTIES IN WHICH THE OVERLAPPING TERRITORY IS LOCATED APPROVES BY RESOLUTION THE INCLUSION OF SUCH SERVICE AS PART OF THE SERVICE PLAN OF SAID OVERLAPPING SPECIAL DISTRICT; AND

(II) WHERE THE SERVICE PLAN OF SUCH OVERLAPPING SPECIAL DISTRICT IS SUBJECT TO THE APPROVAL OF THE GOVERNING BODY OF A MUNICIPALITY, THE GOVERNING BODY OF ANY MUNICIPALITY THAT HAS ADOPTED A RESOLUTION OF APPROVAL OF THE OVERLAPPING SPECIAL DISTRICT PURSUANT TO SECTION 32-1-204.5 (1) (a) APPROVES BY RESOLUTION THE INCLUSION OF SUCH SERVICE AS PART OF THE SERVICE PLAN OF SAID OVERLAPPING SPECIAL DISTRICT; AND

(III) THE IMPROVEMENTS OR FACILITIES TO BE FINANCED, ESTABLISHED, OR OPERATED BY THE OVERLAPPING SPECIAL DISTRICT FOR THE PROVISION OF THE SAME SERVICE AS THE EXISTING SPECIAL OR METROPOLITAN DISTRICT DO NOT DUPLICATE OR INTERFERE WITH ANY OTHER IMPROVEMENTS OR FACILITIES ALREADY CONSTRUCTED OR PLANNED TO BE CONSTRUCTED WITHIN THE PORTION OF THE EXISTING SPECIAL OR METROPOLITAN DISTRICT THAT THE OVERLAPPING SPECIAL DISTRICT OVERLAPS OR WILL OVERLAP; AND

(IV) THE BOARD OF DIRECTORS OF ANY SPECIAL DISTRICT OR METROPOLITAN DISTRICT AUTHORIZED TO PROVIDE A SERVICE WITHIN THE BOUNDARIES OF THE OVERLAPPING AREA CONSENTS TO THE OVERLAPPING SPECIAL DISTRICT PROVIDING THE SAME SERVICE.

(c) NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO ENCOURAGE THE UNNECESSARY PROLIFERATION, DUPLICATION, OVERLAPPING, OR FRAGMENTATION OF SPECIAL OR METROPOLITAN DISTRICTS.

**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: June 3, 1997