

CHAPTER 130

**GOVERNMENT - SPECIAL DISTRICTS**

**HOUSE BILL 98-1368**

BY REPRESENTATIVE Adkins;  
also SENATORS Mutzebaugh, Bishop, Hernandez, Hopper, Linkhart, Martinez, Norton, Pascoe, Perlmutter, Phillips, Reeves,  
Rupert, Wattenberg, and Weddig.

**AN ACT**

CONCERNING SCIENTIFIC AND CULTURAL FACILITIES DISTRICTS, AND, IN CONNECTION THEREWITH,  
AUTHORIZING THE INCLUSION OF ALL OF DOUGLAS COUNTY IN THE DENVER METROPOLITAN  
SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AND AUTHORIZING THE CREATION OF SCIENTIFIC  
AND CULTURAL FACILITIES DISTRICTS THAT ARE NOT COTERMINOUS WITH COUNTY BOUNDARIES.

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

**SECTION 1.** Article 13 of title 32, Colorado Revised Statutes, is amended BY  
THE ADDITION OF A NEW SECTION to read:

**32-13-104.5. Additional district area - Douglas county.** (1) IN ADDITION TO  
THE AREAS DESCRIBED IN SECTION 32-13-104, THE AREA OF DOUGLAS COUNTY THAT  
IS NOT INCLUDED IN THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL  
FACILITIES DISTRICT MAY BE INCLUDED IN THE DISTRICT IF THE FOLLOWING  
REQUIREMENTS ARE MET:

(a) A PROPOSAL TO INCLUDE THE AREA IS INITIATED BY ANY OF THE FOLLOWING  
METHODS:

(I) A PETITION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE  
AREA IN THE DISTRICT IS SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE  
ELECTORS OF THE UNINCORPORATED PORTION OF SUCH AREA AND OF EACH PORTION  
OF SUCH AREA THAT IS WITHIN A MUNICIPALITY; OR

(II) THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF  
THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY  
COMMISSIONERS OF DOUGLAS COUNTY ADOPT RESOLUTIONS REQUESTING AN  
ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT. THE BOARD

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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.*

OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY SHALL ADOPT SUCH A RESOLUTION ONLY AFTER ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREAS PROPOSED TO BE INCLUDED HAVE ADOPTED SUCH RESOLUTIONS.

(b) AN ELECTION IS HELD AND CONDUCTED IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1, C.R.S., AND THE FOLLOWING REQUIREMENTS:

(I) THE ELECTION IS HELD AT THE GENERAL ELECTION IN 1998, 2000, OR 2002, AS DETERMINED BY INTERGOVERNMENTAL AGREEMENT OF THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY;

(II) THE BALLOT PROVIDES FOR THE ELIGIBLE ELECTORS IN THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT TO VOTE FOR OR AGAINST THE INCLUSION OF THE PROPOSED AREA IN THE DISTRICT;

(III) THE BALLOT IS IN A SINGLE FORM DETERMINED BY INTERGOVERNMENTAL AGREEMENT OF THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY;

(IV) THE BALLOT CONTAINS A DESCRIPTION OF THE AREA PROPOSED TO BE INCLUDED WITHIN THE DISTRICT;

(V) THE BALLOT CONTAINS THE CURRENT RATES OF SALES TAX LEVIED BY THE DISTRICT; AND

(VI) THE BALLOT CONTAINS THE FOLLOWING QUESTION: "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE DENVER METROPOLITAN CULTURAL AND SCIENTIFIC FACILITIES DISTRICT?".

(2) THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY SHALL, PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT, ADOPT RESOLUTIONS CALLING THE ELECTION AUTHORIZED BY THIS SECTION. THE RESOLUTIONS SHALL STATE:

(a) THE OBJECT AND PURPOSE OF THE ELECTION;

(b) A DESCRIPTION OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT;

(c) THE DATE OF THE ELECTION; AND

(d) THE NAME OF THE DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR CONDUCTING THE ELECTION PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

**SECTION 2.** 32-13-108, Colorado Revised Statutes, is amended to read:

**32-13-108. Petition or resolution for formation and levy of tax - petition or resolution for extension of tax - verification of signatures - election.** (1) (a) A

SCIENTIFIC AND CULTURAL FACILITIES DISTRICT MAY INCLUDE A PORTION OF ONE COUNTY, AN ENTIRE COUNTY, OR AREAS CONTAINED WITHIN MULTIPLE COUNTIES OF THE STATE; EXCEPT THAT NO COUNTY SHALL INCLUDE MORE THAN ONE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT COMPOSED OF AREAS LOCATED SOLELY WITHIN THAT COUNTY.

~~(a)~~ (b) ~~Except for those counties included or partially included in the district created in section 32-13-104, The formation of a scientific and cultural facilities district in all other counties of the state~~ OTHER THAN THE DISTRICT CREATED IN SECTION 32-13-104 shall be initiated by a petition signed by registered electors of ~~the county in which a~~ EACH UNINCORPORATED AREA OF A COUNTY AND OF EACH AREA WITHIN A MUNICIPALITY THAT IS TO BE INCLUDED IN THE PROPOSED scientific and cultural facilities district ~~is proposed~~ in number not less than five percent of the votes cast in ~~the county~~ EACH AREA for all candidates for the office of governor at the last preceding general election, ~~or~~ by resolution adopted by the board, OR BY RESOLUTION OF EACH BOARD ADOPTED PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY THE BOARDS of county commissioners of the county OR COUNTIES in which a scientific and cultural facilities district is proposed.

~~(b)~~ (c) Such petition or resolution shall state that the proposed scientific and cultural facilities district would levy and collect for a period of time not to exceed ten years a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county IN WHICH THE TRANSACTION OR OTHER INCIDENT OCCURS, pursuant to the provisions of article 2 of title 29, C.R.S.

~~(c)~~ (d) Such petition or resolution shall be filed with the board OR BOARDS of county commissioners of the county OR COUNTIES in which the proposed scientific and cultural facilities district would be formed AT LEAST THREE MONTHS BEFORE THE GENERAL ELECTION OR THE ELECTION HELD ON THE FIRST TUESDAY OF NOVEMBER IN AN ODD-NUMBERED YEAR, WHICHEVER IS APPLICABLE, AT WHICH IT MAY BE VOTED UPON.

(2) (a) The petition or resolution for the formation of a scientific and cultural facilities district shall state:

(I) The name proposed for the scientific and cultural facilities district; and ~~that the boundary of said district shall follow the boundary of the county in which said district is proposed.~~

(II) A DESCRIPTION OF THE GEOGRAPHICAL AREA TO BE INCLUDED IN THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT SUFFICIENT TO ENABLE A PROPERTY OWNER TO DETERMINE WHETHER HIS OR HER PROPERTY LIES WITHIN THE DISTRICT.

(b) The petition or resolution for the formation of a scientific and cultural facilities district may state any formula or criteria concerning the distribution of sales tax collections pursuant to section 32-13-110(3); including criteria ~~which~~ THAT scientific and cultural facilities must meet in order to receive moneys from the district which are in addition to the criteria specified in section 32-13-110(3)(a) and (3)(b). If the petition or resolution does include such formula or criteria and the registered electors

~~of the county~~ voting on the question vote affirmatively on the question of creation of the district and the levy of the tax specified in paragraph ~~(b)~~ (c) of subsection (1) of this section, then such formula or criteria contained in such petition or resolution shall be binding upon the board.

(c) The petition or resolution for the formation of a scientific and cultural facilities district shall state the month, day, and year on which the authority of the scientific and cultural facilities district to levy and collect the sales tax shall expire.

(2.5) (a) For purposes of complying with the provisions of section 20 (4) of article X of the state constitution, the question of whether the board of a district created pursuant to this section shall be authorized to continue the levy and collection of the sales tax throughout the district upon every transaction or other incident with respect to which a sales tax is levied by the county IN WHICH THE TRANSACTION OR OTHER INCIDENT OCCURS, pursuant to the provisions of article 2 of title 29, C.R.S., for a period of time not to exceed ten years from the date upon which the authority of the board to levy and collect the sales taxes is scheduled to expire shall be initiated by a petition signed by the registered electors of the district in a number not less than five percent of the votes cast in the ~~county~~ EACH INCORPORATED AND UNINCORPORATED AREA INCLUDED WITHIN THE DISTRICT for all candidates for the office of governor at the last preceding general election or initiated by a resolution adopted by the board of the scientific and cultural facilities district.

(b) Such petition or resolution shall state the name of the scientific and cultural facilities district and that the district would continue to levy and collect a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county IN WHICH THE TRANSACTION OR OTHER INCIDENT OCCURS, pursuant to the provisions of article 2 of title 29, C.R.S., for a period of time not to exceed ten years from the date upon which the authority of the district to levy and collect the sales tax is scheduled to expire.

(c) Such petition or resolution shall be filed with the board OR BOARDS of county commissioners of the county OR COUNTIES in which the scientific and cultural facilities district is located AT LEAST THREE MONTHS BEFORE THE GENERAL ELECTION OR THE ELECTION HELD ON THE FIRST TUESDAY OF NOVEMBER IN AN ODD-NUMBERED YEAR, WHICHEVER IS APPLICABLE, AT WHICH IT MAY BE VOTED UPON.

(3) (Deleted by amendment, L. 94, p. 476, 6, effective March 31, 1994.)

(3.5) Upon the filing of any petition pursuant to this section, ~~the~~ EACH AFFECTED board of county commissioners shall transmit the petition to ~~the~~ ITS county clerk and recorder for verification of signatures. EACH COUNTY CLERK AND RECORDER SHALL VERIFY THE SIGNATURES OF REGISTERED ELECTORS FROM AREAS WITHIN SUCH COUNTY WITHIN THIRTY DAYS OF RECEIVING THE PETITION. ~~If the~~ ANY county clerk and recorder WHO declares that the petition appears not to have a sufficient number of signatures ~~the county clerk and recorder~~ FROM AREAS WITHIN A COUNTY shall grant a fifteen-day extension to the petitioners to cure the insufficiency by filing an addendum to the original petition for the purpose of offering the number of signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to the same requirements imposed upon the original

petition and unless filed with the county clerk and recorder within the fifteen-day period after the insufficiency is declared. Any protest regarding the verification or sufficiency of signatures on the petition shall be made pursuant to section 1-40-118, C.R.S., and any hearing or further appeals regarding such protest shall be held in accordance with section 1-40-119, C.R.S.

(4) (a) If a petition or resolution for the formation of a scientific and cultural facilities district and the levy and collection of the sales tax satisfies the requirements specified in this section, ~~the~~ EACH AFFECTED board of county commissioners shall submit, IN IDENTICAL FORM DETERMINED BY INTERGOVERNMENTAL AGREEMENT, the question of the organization of the scientific and cultural facilities district at the next general election or election held on the first Tuesday in November of an odd-numbered year, whichever is held first after the filing of the petition or resolution. Any question submitted shall comply with the requirements of section 20 of article X of the state constitution, as applicable.

(b) If a petition or resolution for the extension of the authority to levy and collect a sales tax by the scientific and cultural facilities district satisfies the requirements specified in this section, the question of whether the scientific and cultural facilities district shall be authorized to continue the levy and collection of sales tax throughout the district shall be submitted at the next general election or election held on the first Tuesday in November of an odd-numbered year, whichever is held first after the filing of the petition or resolution. Any question submitted shall comply with the requirements of section 20 of article X of the state constitution, as applicable.

(5) (a) If at any such election a majority of the registered electors of the ~~county~~ PROPOSED DISTRICT voting on the question vote affirmatively on the question of the creation of the district and the levy of the tax specified in paragraph ~~(b)~~ (c) of subsection (1) of this section, then the district shall come into existence, and such tax may be levied and collected as provided in this article. If a majority of the registered electors of said area vote "No" on the question, the district shall not come into existence.

(b) If at any election a majority of the registered electors within the geographical boundaries of the district voting on the question vote affirmatively on the question authorizing the district to continue the levy and collection of the sales tax specified in subsection (1) of this section until the date specified in the question, then such sales tax shall continue to be levied, collected, and distributed as provided for in this article until said date.

**SECTION 3. 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 20, 1998