

CHAPTER 170

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 98-171

BY SENATORS Lacy, Bishop, Johnson, Schroeder, Tanner, and Wattenberg;
also REPRESENTATIVES Dean, Agler, Miller, Schauer, and Taylor.

AN ACT

CONCERNING MODIFICATION OF THE "METROPOLITAN FOOTBALL STADIUM DISTRICT ACT", AND, IN CONNECTION THEREWITH, EXPANDING THE BOUNDARIES OF THE DISTRICT AND MODIFYING THE TERMS OF THE AGREEMENT THAT THE BOARD OF DIRECTORS NEGOTIATES WITH A NATIONAL FOOTBALL LEAGUE FRANCHISE.

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

SECTION 1. The introductory portion to 32-15-104 (1), Colorado Revised Statutes, is amended, and the said 32-15-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

32-15-104. Creation of district - area of district. (1) There is hereby created a district to be known and designated as the metropolitan football stadium district. The district shall be a body corporate and politic and a political subdivision of the state. EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, the area comprising the district shall consist of:

(1.5) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), THE DISTRICT SHALL, IN ADDITION TO ANY AREAS LISTED UNDER SUBSECTION (1) OF THIS SECTION, CONSIST OF THE FOLLOWING AREAS:

(a) THAT AREA WITHIN THE CITY OF LONE TREE, STATE OF COLORADO, THAT, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), IS ZONED FOR COMMERCIAL USE AND IS WITHIN SECTIONS 3, 4, AND 5, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO; AND

(b) THAT AREA EAST OF YOSEMITE STREET, SOUTH OF COUNTY LINE ROAD, WEST OF INTERSTATE 25 AND WITHIN SECTION 3, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

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

SECTION 2. 32-15-106 (1) (c), (1) (e), (1) (f) (III), (1) (f) (VI), (1) (p), (2) (a), (2) (i), (3), and (5) (c), Colorado Revised Statutes, are amended, and the said 32-15-106 (1) and (2) are further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

32-15-106. Board of directors - powers and duties. (1) In addition to any other powers specifically granted to the board in this article, the board shall have the following duties and powers:

(c) ~~To negotiate an agreement with the franchise:~~ TO NEGOTIATE AN AGREEMENT WITH THE FRANCHISE REQUIRING THE FRANCHISE TO PAY TWENTY-FIVE PERCENT OF THE ACTUAL CONSTRUCTION COSTS OF THE STADIUM, INCLUDING BUT NOT LIMITED TO PROFESSIONAL FEES, SITE ACQUISITION COSTS, AND MATERIALS AND LABOR COSTS AND REQUIRING THE FRANCHISE TO PAY FOR TWENTY-FIVE PERCENT OF ALL COSTS IN EXCESS OF THE ANTICIPATED CONSTRUCTION COSTS.

~~(f) Requiring the franchise to provide all costs of renovation or construction that exceed the maximum amount of the special obligation bonds issued by the district or at least twenty-five percent of the costs of renovating Mile High stadium or constructing a new stadium; whichever is greater; and~~

~~(H) Requiring the franchise to pay for any costs of renovation of Mile High stadium or construction of the new stadium in excess of the maximum amount paid by the district pursuant to subparagraph (I) of this paragraph (c); including, but not limited to, cost overruns;~~

(e) ~~To negotiate with~~ PROVIDE the counties within the district and ~~with the city and county of Denver and enter into an agreement to provide such counties and the city and county of Denver~~ with a benefit from A PORTION OF the revenues, other than sales tax revenues AND ADMISSIONS TAX REVENUES, derived from the operation of Mile High stadium if it is renovated or the new stadium during the period of time the district is collecting the sales tax OR THE ADMISSIONS TAX OR SUCH LONGER PERIOD AS THE BOARD MAY DETERMINE APPROPRIATE;

(f) After completion of the review, negotiations, and other matters set forth in paragraphs (a) to (e) of this subsection (1) and if the board determines that there is a need to renovate Mile High stadium or to construct a new stadium and that the renovation of Mile High stadium or the construction of a new stadium is more cost effective and economically viable than maintaining and repairing Mile High stadium, the board shall then determine whether it is more cost effective and economically viable to renovate Mile High stadium or to construct a new stadium, after which the board shall adopt a resolution that, in addition to the statements required by section 32-15-107 (1) (b), includes, but shall not be limited to, the following declarations:

(III) ~~That the district has entered into an agreement with the franchise that requires the franchise:~~ THAT THE DISTRICT HAS ENTERED INTO AN AGREEMENT WITH THE FRANCHISE THAT REQUIRES THE FRANCHISE TO PROVIDE TWENTY-FIVE PERCENT OF THE ACTUAL CONSTRUCTION COSTS OF THE STADIUM, INCLUDING BUT NOT LIMITED TO PROFESSIONAL FEES, SITE ACQUISITION COSTS, AND MATERIALS AND LABOR COSTS AND THAT REQUIRES THE FRANCHISE TO PAY FOR TWENTY-FIVE PERCENT OF ALL COSTS IN

EXCESS OF THE ANTICIPATED CONSTRUCTION COSTS.

~~(A) To provide all costs of renovation or construction that exceed the maximum amount of the special obligation bonds issued by the district or at least twenty-five percent of the costs of renovating Mile High stadium or constructing a new stadium; whichever is greater; and~~

~~(B) To provide any costs of renovation of Mile High stadium or construction of the new stadium in excess of the maximum amount paid by the district pursuant to subparagraph (1) of paragraph (c) of subsection (1) of this section; including, but not limited to, cost overruns;~~

~~(VI) That the board has entered into an agreement with~~ WILL PROVIDE the counties within the district and ~~with the city and county of Denver to provide such counties and the city and county of Denver~~ with a benefit from the revenues, other than sales tax revenues AND ADMISSIONS TAX REVENUES, derived from the operation of Mile High stadium if it is renovated or the new stadium during the period of time the district is collecting the sales tax OR THE ADMISSIONS TAX OR SUCH LONGER PERIOD AS THE BOARD MAY DETERMINE APPROPRIATE.

(g.5) IN DESIGNING AND CONSTRUCTING A NEW STADIUM, TO ARRANGE AND COORDINATE THE PROVISION OF MASS TRANSIT, INCLUDING LIGHT RAIL, BUSES, AND OTHER FORMS OF PUBLIC TRANSPORTATION TO SERVICE SUCH STADIUM WITH THE REGIONAL TRANSPORTATION DISTRICT.

(p) To receive and accept from any source aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this article subject to the conditions upon which the grants or contributions are made; except that no public moneys from the state, any city, town, city and county, or county, and any department, agency, or instrumentality of the United States of America shall be accepted or expended for any purpose set forth in this article. NOTWITHSTANDING ANY PROVISION SET FORTH IN THIS PARAGRAPH (p), THE BOARD SHALL NOT BE PROHIBITED FROM RECEIVING PUBLIC MONEYS FROM THE ECONOMIC DEVELOPMENT COMMISSION CREATED PURSUANT TO SECTION 24-46-102 (2), C.R.S., THAT ARE PAID FROM THE ECONOMIC DEVELOPMENT FUND CREATED PURSUANT TO SECTION 24-46-105, C.R.S.

(2) After the board has completed the review and negotiations set forth in paragraphs (a) to (e) of subsection (1) of this section and if the board has received notice from the secretary of state stating that a valid petition has been filed and verified and has adopted a resolution pursuant to paragraph (f) of subsection (1) of this section, in addition to any powers granted to the board in subsection (1) of this section or in this article, the board shall have the following powers and duties:

~~(a) To decide at which general election or election held on the first Tuesday of November in an odd-numbered year~~ SUBMIT the question specified in section 32-15-107 (1) ~~shall be submitted~~ to the registered electors within the geographical boundaries of the district AT THE 1998 GENERAL ELECTION;

(i) To borrow money, CONTRACT TO BORROW MONEY FOR THE PURPOSE OF ISSUING BOND ANTICIPATION NOTES PURSUANT TO ARTICLE 14 OF TITLE 29, C.R.S., contract

to borrow money for the purpose of issuing special obligation bonds, and issue obligations for any of its corporate purposes and to fund such obligations, to refinance such obligations EVEN IF, IN THE CASE OF REFINANCING OR REFUNDING BOND ANTICIPATION NOTES, SUCH REFINANCING OR REFUNDING IS AT A HIGHER INTEREST RATE, and to refund such obligations as provided in this article subject to the requirements of section 20 of article X of the state constitution;

(n.5) TO LEVY AND COLLECT, IF THE BOARD SO DETERMINES, A TAX UPON ADMISSIONS TO A NEW STADIUM CONSTRUCTED BY THE DISTRICT PURSUANT TO THE PROVISIONS OF THIS ARTICLE, SUBJECT TO THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION;

(3) If Mile High stadium is renovated or if a new stadium is built, the board ~~shall make a good faith effort~~ MAY sell or lease the name of the stadium and any symbol or image of the general design, appearance, or configuration of the stadium, including trademarks, service marks, trade names, and logos. PRIOR TO MAKING A DETERMINATION TO SELL OR LEASE THE NAME OF THE STADIUM, THE BOARD SHALL ASSESS THE COSTS AND BENEFITS OF SUCH SALE OR LEASE AND SPECIFICALLY CONSIDER THE PUBLIC SENTIMENT AND ANY OTHER BENEFITS ASSOCIATED WITH RETAINING THE NAME "MILE HIGH STADIUM" OR WITH USING ANY OTHER NAME THAT REFLECTS THE GEOGRAPHICAL, HISTORICAL, CULTURAL, SPIRITUAL, OR OTHER QUALITIES OF THE STATE. All proceeds from such sale or lease, if any, shall be used by the board to pay the principal, interest, and prepayment premium, if any, on outstanding special obligation bonds issued by the board pursuant to the provisions of this article.

(5) In carrying out its duties in connection with the operation of the stadium, the board shall duly consider:

(c) That ~~no person or business be awarded a food and beverage concession contract allowing such person or business to occupy more than twenty-five~~ NOT LESS THAN FIFTEEN percent of the total square footage allocated for food and beverage sales at Mile High stadium if it is renovated or at the new stadium SHALL BE OCCUPIED, EITHER DIRECTLY OR THROUGH SUBCONTRACTS, BY PERSONS OR BUSINESSES THAT MAINTAIN THEIR PRINCIPAL PLACE OF BUSINESS IN COLORADO.

SECTION 3. 32-15-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

32-15-106. Board of directors - powers and duties. (7) IN DESIGNING AND CONSTRUCTING A STADIUM PURSUANT TO THIS ARTICLE, THE BOARD MAY CONSIDER THE TECHNICAL AND ECONOMIC FEASIBILITY OF INCLUDING A RETRACTABLE ROOF OVER SUCH STADIUM; EXCEPT THAT:

(a) NO CONSTRUCTION COSTS FOR A RETRACTABLE DOME SHALL BE PART OF THE BALLOT ISSUE PROPOSED, NOR SHALL ANY SUCH COSTS BE PAID BY ANY BONDS, TAXES, OR OTHER REVENUES ISSUED UNDER THIS ARTICLE; AND

(b) THE BOARD SHALL NOT AUTHORIZE THE CONSTRUCTION OF A RETRACTABLE ROOF WITHOUT PRIOR SPECIFIC STATUTORY AUTHORIZATION IF ANY PORTION OF THE COSTS OF CONSTRUCTION OF SUCH RETRACTABLE ROOF SHALL BE PAID OR FUNDED BY

ANY TAX OR OTHER REVENUES OF THE DISTRICT.

SECTION 4. 32-15-107 (1) (a), (1) (b) (III), (1) (d) (I) (B), (1) (d) (II), (1) (d) (III), (1) (d) (IV), (3), (5), and (6), Colorado Revised Statutes, are amended, and the said 32-15-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

32-15-107. Authorizing election. (1) (a) For purposes of complying with the provisions of section 20 (4) of article X of the state constitution and upon receipt of a notice from the secretary of state stating that a valid petition has been filed and verified and the adoption of a resolution by the board as set forth in section 32-15-106 (1) (f), the board may submit to the registered electors within the geographical boundaries of the district, at a THE 1998 general election, ~~or an election held on the first Tuesday in November of an odd-numbered year~~ the question of whether the district shall be authorized:

(I) (A) To levy and collect, for a period commencing after the termination of the sales tax levied and collected by the Denver metropolitan major league baseball stadium district pursuant to section 32-14-105 and continuing for a period not to extend beyond January 1, 2012, a uniform sales tax throughout the district at a rate not to exceed one-tenth of one percent upon every transaction or other incident with respect to which a sales tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales tax shall be levied on purchases of machinery or machine tools that are otherwise exempt pursuant to section 39-26-114 (11), C.R.S., to the extent that such purchases are subject to the sales tax levied by the regional transportation district pursuant to section 29-2-105 (1) (d), C.R.S., to be held and distributed pursuant to the provisions of section 32-15-111; and

(B) TO LEVY AND COLLECT A TAX UPON ADMISSIONS TO A NEW STADIUM PURSUANT TO SECTION 32-15-110.5 FOR A PERIOD NOT TO EXTEND BEYOND JANUARY 1, 2012, AND AT A RATE NOT TO EXCEED TEN PERCENT UPON EVERY PURCHASE OF ADMISSION TO SUCH STADIUM, TO BE HELD AND DISTRIBUTED PURSUANT TO THE PROVISIONS OF SECTION 32-15-111; AND

(II) To incur multiple-fiscal year financial obligations to be repaid from OTHER MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATIONS OF THE DISTRICT OR the revenues ~~generated from the sales tax levied and~~ collected by the district, OR BOTH, and to refund AND REFINANCE the BOND ANTICIPATION NOTES AND special obligation bonds authorized without further approval of the voters EVEN IF, IN THE CASE OF REFINANCING OR REFUNDING OF BOND ANTICIPATION NOTES, SUCH REFINANCING OR REFUNDING IS AT A HIGHER INTEREST RATE.

(b) The summary for such petition shall include, but shall not be limited to, the following statements:

(III) A statement that the maximum PRINCIPAL amount of moneys to be raised by the district FOR PAYMENT OF COSTS OF CONSTRUCTION OF THE STADIUM through the issuance of ~~special obligation bonds~~ MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATIONS is ~~one hundred eighty~~ TWO HUNDRED SIXTY-SIX million dollars.

(d) (I) Except as otherwise provided in subparagraph (III) of this paragraph (d),

at the election, the question appearing on the ballot shall be determined as follows:

(B) In the event that the board has determined that it is more cost effective and economically viable to build a new stadium than to renovate Mile High stadium, the question appearing on the ballot shall be as follows:

~~"SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT TAXES BE INCREASED (first full fiscal year dollar increase) ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY AND COLLECTION BY THE DISTRICT OF A ONE-TENTH OF ONE PERCENT SALES AND USE TAX FOR A PERIOD NOT TO EXTEND BEYOND JANUARY 1, 2012, OR UPON PAYMENT OF THE SPECIAL OBLIGATION BONDS, WHICHEVER OCCURS EARLIER, COMMENCING AFTER THE TERMINATION OF THE SALES AND USE TAX LEVIED AND COLLECTED BY THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT, WITH ALL OF THE PROCEEDS TO BE USED AND SPENT, ALONG WITH FUNDS FROM OTHER SOURCES INCLUDING THE PRIVATE SECTOR, FOR THE COSTS RELATING TO THE CONSTRUCTION OF A NEW FOOTBALL STADIUM TO BE LOCATED WITHIN THE DISTRICT; AND SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT BE AUTHORIZED TO ISSUE MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS PAYABLE FROM THE PROCEEDS OF SAID ONE-TENTH OF ONE PERCENT SALES AND USE TAX AND SAID FUNDS FROM OTHER SOURCES, WHICH AUTHORIZATION SHALL INCLUDE THE AUTHORITY TO REFUND SUCH MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS, AND REFUNDING SPECIAL OBLIGATION BONDS, WITHOUT ADDITIONAL VOTER APPROVAL?"~~

"SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT DEBT BE INCREASED (PRINCIPAL AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COSTS) AND SHALL DISTRICT TAXES BE INCREASED (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY AND COLLECTION BY THE DISTRICT OF [A (___) PERCENT ADMISSIONS TAX AND FROM THE LEVY AND COLLECTION OF] [THIS CLAUSE TO BE INSERTED IF DETERMINED TO BE APPROPRIATE BY THE DISTRICT] A ONE-TENTH OF ONE PERCENT SALES AND USE TAX WITH ALL OF THE PROCEEDS OF SUCH DEBT AND TAXES TO BE USED AND SPENT, TOGETHER WITH FUNDS FROM OTHER SOURCES INCLUDING THE PRIVATE SECTOR, FOR THE COSTS RELATING TO THE CONSTRUCTION OF A NEW FOOTBALL STADIUM TO BE LOCATED WITHIN THE DISTRICT SUBJECT TO THE FOLLOWING LIMITATIONS:

- **THE SALES AND USE TAX SHALL COMMENCE AFTER THE TERMINATION OF THE SALES AND USE TAX LEVIED AND COLLECTED BY THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT AND SHALL NOT EXTEND BEYOND JANUARY 1, 2012, OR THE PAYMENT IN FULL OF SUCH DEBT, WHICHEVER OCCURS EARLIER;**
- **[THE DEBT SHALL BE EVIDENCED BY NOTES, BONDS, OR CONTRACTS INCLUDING NOTES, BONDS, OR CONTRACTS TO**

REFUND OTHER NOTES, BONDS, OR CONTRACTS EVEN IF THE REFUNDING IS AT A HIGHER RATE OF INTEREST;] [THIS PARAGRAPH TO BE INSERTED IF DETERMINED TO BE APPROPRIATE BY THE DISTRICT]

- **THE DEBT SHALL BE PAYABLE FROM THE PROCEEDS OF SUCH TAX, INVESTMENT INCOME, AND SUCH OTHER DISTRICT REVENUES AS THE BOARD OF DIRECTORS MAY PLEDGE FOR SUCH PAYMENT;**
- **THE DEBT SHALL HAVE SUCH TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;**
- **[THE ADMISSIONS TAX SHALL NOT EXTEND BEYOND JANUARY 1, 2012, OR THE PAYMENT IN FULL OF SUCH DEBT, WHICHEVER OCCURS EARLIER;]** [THIS PARAGRAPH TO BE INSERTED IF DETERMINED TO BE APPROPRIATE BY THE DISTRICT]

AND SHALL THE PROCEEDS OF SUCH DEBT AND TAXES AND ANY INVESTMENT INCOME THEREFROM AND ANY OTHER REVENUES OF THE DISTRICT BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?"

(II) Except as otherwise provided in subparagraph (III) of this paragraph (d), the ballot title shall be a statement of the language included in the question set forth in SUB-SUBPARAGRAPH (B) OF subparagraph (I) of this paragraph (d); except that the title SHALL SUBSTITUTE THE WORDS "**THE METROPOLITAN FOOTBALL STADIUM DISTRICT DEBT SHALL BE INCREASED**" FOR "**SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT DEBT BE INCREASED**", shall substitute the words "~~THE METROPOLITAN FOOTBALL STADIUM DISTRICT TAXES SHALL BE INCREASED~~" for the words "~~SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT TAXES BE INCREASED~~", and shall substitute the words "~~THE METROPOLITAN FOOTBALL STADIUM DISTRICT PROCEEDS OF SUCH DEBT AND TAXES AND ANY INVESTMENT INCOME THEREFROM AND ANY OTHER REVENUES OF THE DISTRICT SHALL BE AUTHORIZED~~" for the words "~~SHALL THE METROPOLITAN FOOTBALL STADIUM DISTRICT BE AUTHORIZED~~ **THE PROCEEDS OF SUCH DEBT AND TAXES AND ANY INVESTMENT INCOME THEREFROM AND ANY OTHER REVENUES OF THE DISTRICT BE**", and the title shall end with a period instead of a question mark.

(III) The ballot question specified in subparagraph (I) of this paragraph (d) may be modified by the proponents of a petition OR BY THE DISTRICT to the extent necessary to conform to ~~the requirements of any final decision of a district or appellate court regarding~~ the legal requirements for ballot questions and titles.

(IV) 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 specified in paragraph (d) of this subsection (1), then the sales tax AND THE ADMISSIONS TAX shall be levied, collected, and distributed as provided for in this article.

(3) Any petition shall be filed with the secretary of state at least ninety days before the 1998 general election. ~~or the election held on the first Tuesday of November in an odd-numbered year, whichever is applicable, at which it shall be voted upon. Regardless of when the petition is filed, nothing in this subsection (3) shall be construed to limit the ability of the board to decide at which election the question shall be submitted to the registered electors.~~ Any petition shall be valid only for the next occurring 1998 general election. ~~and the next occurring election held on the first Tuesday of November in odd-numbered years regardless of which election occurs first.~~ Notice of any question to be submitted to the registered electors within the geographical boundaries of the district after verification of the signatures on any petition filed with the secretary of state and at which election such question shall be submitted shall be filed by the board in the office of the secretary of state prior to fifty-five days before such election.

(5) The provisions of subsection (1) of this section CONCERNING THE SALES TAX shall not be applicable if the authority of the district to levy and collect any sales tax approved by the registered electors has expired pursuant to the provisions of this article. THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING THE ADMISSIONS TAX SHALL NOT BE APPLICABLE IF THE AUTHORITY OF THE DISTRICT TO LEVY AND COLLECT ANY ADMISSIONS TAX APPROVED BY THE REGISTERED ELECTORS HAS EXPIRED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(6) Prior to ~~any~~ THE general election ~~or election held in November of an odd-numbered year~~ at which any question is to be submitted to the registered electors pursuant to subsection (1) ~~or (4)~~ of this section, the board shall hold at least two public hearings in each of the counties included, in whole or in part, within the district.

(8) PRIOR TO SUBMITTING A QUESTION TO THE REGISTERED ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION, THE DISTRICT SHALL ENTER INTO AN AGREEMENT WITH THE FRANCHISE REQUIRING THE FRANCHISE TO PAY FOR ALL COSTS OF THE DISTRICT ASSOCIATED WITH THE ELECTION AT WHICH THE QUESTION IS SUBMITTED TO THE VOTERS PURSUANT TO THIS SECTION.

SECTION 5. 32-15-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

32-15-110. Sales tax imposed - collection - administration of tax - discontinuance. (6) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, THE SALES AND USE TAX TO BE COLLECTED PURSUANT TO THIS ARTICLE SHALL NOT EXCEED AN AMOUNT NECESSARY TO:

(a) PAY UP TO TWO HUNDRED SIXTY-SIX MILLION DOLLARS FOR THE PRINCIPAL AMOUNT OF SPECIAL OBLIGATION BONDS, PLUS INTEREST AND PREPAYMENT PENALTY, IF ANY, FOR SUCH BONDS, PLUS AN AMOUNT THE NET PRESENT VALUE OF WHICH SHALL NOT EXCEED SEVENTY-FIVE MILLION DOLLARS, WHICH NET PRESENT VALUE SHALL BE CALCULATED AS OF JANUARY 1, 2001, BASED ON AN EIGHT PERCENT DISCOUNT RATE; AND

(b) PROVIDE COVERAGE RATIOS FOR THE BONDS AND THE NET PRESENT VALUE AMOUNT AS DETERMINED BY THE BOARD TO BE MOST ADVANTAGEOUS TO THE

DISTRICT AND THE TAXPAYERS.

SECTION 6. Article 15 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-15-110.5. Admissions tax imposed - collection - discontinuance.

(1) (a) UPON THE APPROVAL OF THE REGISTERED ELECTORS PURSUANT TO THE PROVISIONS OF SECTION 32-15-107, THE BOARD SHALL HAVE THE POWER TO LEVY AN ADMISSIONS TAX UPON THE ADOPTION OF A RESOLUTION FOR A PERIOD NOT TO EXTEND BEYOND JANUARY 1, 2012, UPON EVERY PURCHASE OF AN ADMISSION TO A NEW STADIUM CONSTRUCTED BY THE DISTRICT PURSUANT TO THIS ARTICLE. THE AMOUNT OF THE TAX SHALL NOT EXCEED TEN PERCENT OF THE PRICE OF EACH ADMISSION. THE BOARD SHALL HAVE THE AUTHORITY TO DETERMINE WHETHER TO LEVY AN ADMISSIONS TAX PURSUANT TO THIS SECTION, AND NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE THE DISTRICT TO LEVY SUCH A TAX.

(b) EVERY VENDOR MAKING A SALE TO A PURCHASER THAT IS TAXABLE UNDER THE PROVISIONS OF THIS SECTION IS REQUIRED AT THE TIME OF MAKING SUCH SALE TO COLLECT THE TAX IMPOSED BY THIS SECTION FROM THE PURCHASER. THE TAX TO BE COLLECTED AS PROVIDED IN THIS SECTION SHALL BE CONSPICUOUSLY, INDELIBLY, AND SEPARATELY STATED AND CHARGED FROM THE SALES PRICE ON THE TICKET OR CARD EVIDENCING THE SALE AND SHOWN SEPARATELY FROM THE SALES PRICE ON ANY RECORD MADE THEREOF AT THE TIME OF THE SALE OR AT THE TIME WHEN EVIDENCE OF THE SALE IS FIRST ISSUED OR EMPLOYED BY THE VENDOR; EXCEPT THAT, WHEN ADDED, SUCH TAX SHALL CONSTITUTE A PART OF SUCH PURCHASE OR CHARGE AND SHALL BE A DEBT FROM THE PURCHASER TO THE VENDOR UNTIL PAID AND SHALL BE RECOVERABLE AT LAW IN THE SAME MANNER AS OTHER DEBTS. THE TAX SHALL BE PAID BY THE PURCHASER TO THE VENDOR WHO, AS TRUSTEE FOR AND ON ACCOUNT OF THE DISTRICT, SHALL BE LIABLE TO THE DISTRICT FOR THE COLLECTION AND RETURN THEREOF.

(c) THE DISTRICT MAY PRESCRIBE FORMS AND PROCEDURES IN CONFORMITY WITH THIS SECTION FOR THE ADDING OF THE ADMISSIONS TAX TO THE PURCHASE PRICE OF AN ADMISSION, FOR THE MAKING OF RETURNS, FOR THE ASCERTAINMENT, ASSESSMENT, AND COLLECTION OF THE TAX IMPOSED PURSUANT TO THIS SECTION, AND FOR THE PROPER ADMINISTRATION AND ENFORCEMENT THEREOF.

(2) IN NO CASE SHALL THE ADMISSIONS TAX AUTHORIZED BY THIS SECTION BE LEVIED FOR A PERIOD OF TIME LONGER THAN IS NECESSARY TO GENERATE REVENUES SUFFICIENT TO PAY THE PRINCIPAL, INTEREST, AND PREPAYMENT PREMIUM, IF ANY, ON OUTSTANDING SPECIAL OBLIGATION BONDS ISSUED BY THE BOARD PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND FOR SUCH OTHER PURPOSES SPECIFIED IN SECTION 32-15-111. UNLESS ENDED EARLIER, SUCH ADMISSIONS TAX SHALL NOT CONTINUE BEYOND JANUARY 1, 2012.

SECTION 7. The introductory portion to 32-15-111 (1) and 32-15-111 (1) (d), (1) (e), and (2), Colorado Revised Statutes, are amended to read:

32-15-111. Sales tax and admissions tax revenues - use. (1) Sales tax revenues AND ADMISSIONS TAX REVENUES levied and collected pursuant to the provisions of ~~section~~ SECTIONS 32-15-110 AND 32-15-110.5 shall be used by the board for the

following purposes:

(d) To reimburse the board for the day-to-day operating costs incurred in the administration of the district; however, such costs shall not exceed three-fourths of one percent of the amount of sales tax AND ADMISSIONS TAX revenues collected annually;

(e) To reimburse the board for any loans made to the board or any direct out-of-pocket expenses incurred by the board on and after the effective date of this act for matters directly related to the duties of the board prior to the time that sales tax OR ADMISSIONS TAX revenues were available for use by the board;

(2) If sales tax revenues AND ADMISSIONS TAX REVENUES levied and collected pursuant to the provisions of ~~section~~ SECTIONS 32-15-110 AND 32-15-110.5 and the operating revenues generated by the district are insufficient for all of the purposes set forth in subsection (1) of this section, the purpose set forth in paragraph (a) of said subsection (1) shall have first priority of such sales AND ADMISSIONS tax revenues.

SECTION 8. 32-15-112 (1) (e), Colorado Revised Statutes, is amended to read:

32-15-112. Operating revenues - use. (1) Any operating revenues generated by the district, including, but not limited to, lease payments, fees, rentals, rates, tolls, penalties, and charges for services, programs, or facilities furnished by the district, shall be used by the board for the following purposes:

(e) To ~~meet the obligations of any agreement with~~ PROVIDE the counties within the district and the city and county of Denver ~~to provide such counties and the city and county of Denver~~ with a benefit from the revenues, other than sales tax revenues OR ADMISSIONS TAX REVENUES, derived from the operation of the stadium during the period of time the district is collecting the sales tax.

SECTION 9. 32-15-113 (1), Colorado Revised Statutes, is amended to read:

32-15-113. Issuance of special obligation bonds. (1) Upon the approval of the registered electors pursuant to the provisions of section 32-15-107, the district may borrow money in anticipation of the revenues generated from the operation of a stadium and sales tax revenues AND FROM ADMISSIONS TAX REVENUES, IF ANY, of the district and may issue special obligation bonds in the maximum PRINCIPAL amount of ~~one hundred eighty~~ TWO HUNDRED SIXTY-SIX million dollars to evidence the amount so borrowed.

SECTION 10. 32-15-114, Colorado Revised Statutes, is amended to read:

32-15-114. Pledge of sales and admissions tax revenues and net operating revenues. The payment of special obligation bonds may be secured by the specific pledge of sales tax revenues AND ADMISSIONS TAX REVENUES of the district, operating revenues of the district, or moneys or assets of the district held in escrow, as the board, in its discretion, may determine. Operating revenues, sales tax revenues, ADMISSIONS TAX REVENUES, or moneys or assets held in escrow pledged for the payment of any special obligation bonds, as received by the district, shall immediately be subject to the lien of such pledge, without any physical delivery

thereof, any filing, or further act, and the lien of such pledge and the obligation to perform the contractual provisions made in the authorizing resolution or other instrument relating thereto shall have priority over all other obligations and liabilities of the district, except as may be otherwise provided in this article or in such resolution or instrument, and subject to any prior pledges and liens previously created. The lien of such pledge shall be valid and binding as against all persons having claims of any kind in tort, contract, or otherwise against the district, regardless of whether such persons have notice thereof.

SECTION 11. 32-15-115, Colorado Revised Statutes, is amended to read:

32-15-115. Payment, recital, and securities. Special obligation bonds issued pursuant to the provisions of this article and constituting special obligations shall recite in substance that the obligations and the interest thereon are payable solely from operating revenues of the district, sales tax revenues of the district, ADMISSIONS TAX REVENUES OF THE DISTRICT, or moneys or assets of the district held in escrow, as the case may be, pledged to the payment thereof.

SECTION 12. 32-15-117, Colorado Revised Statutes, is amended to read:

32-15-117. Limitation upon payment. The payment of special obligation bonds shall not be secured by any encumbrance, mortgage, or other pledge of property of the district, other than operating revenues, sales tax revenues, ADMISSIONS TAX REVENUES, or moneys or assets held in escrow. No property of the district, subject to this exception, shall be liable to be forfeited or taken in payment of the special obligation bonds.

SECTION 13. 32-15-123, Colorado Revised Statutes, is amended to read:

32-15-123. Revenue sharing. After all the principal, interest, and premium, if any, of the special obligation bonds issued pursuant to this article are paid in full and the levy and collection of sales tax AND ADMISSIONS TAX revenues by the district is discontinued, but prior to the repeal of this article, any funds collected by the district that are, in the sole discretion of the board, deemed not to be necessary for the anticipated expenses and reserves of the district shall be credited at least annually to the general fund of each county, city and county, city, and town which is included, in whole or in part, in the district based upon the proportion of the total amount of sales tax revenues collected pursuant to section 32-15-110 within such county, city and county, city, and town to the total amount of sales tax revenues collected pursuant to section 32-15-110 within the district. For purposes of this section, the total amount of sales tax revenues collected within a county shall not include any sales tax revenues collected in any city or town located within such county. In addition, in computing said proportion, any sales tax revenues collected in any county, city, or town which is not included, in whole or in part, within the geographical boundaries of the district shall not be included in the total amount of sales tax revenues collected within the district.

SECTION 14. 32-15-124, Colorado Revised Statutes, is amended to read:

32-15-124. Report. On or before ~~the first day of~~ March 1 immediately following the levy and collection of the sales tax by the district and on and after March 1 of

each year thereafter, the board shall file a report with the general assembly indicating the amount of any revenues raised by any sales tax AND ANY ADMISSIONS TAX levied and collected pursuant to the provisions of this article, the amount of any revenues generated from the operation of the stadium pursuant to the provisions of this article, the amount of any revenues received from all other sources and specifying such sources, and the distribution and use of such revenues.

SECTION 15. 32-15-126, Colorado Revised Statutes, is amended to read:

32-15-126. Sale of real and personal property of district. Upon completion of the renovation of Mile High stadium or the construction of a new stadium pursuant to the provisions of this article, the board shall make a good faith effort to sell the real and personal property of the district, including the stadium, to any qualified buyer subject to the leasehold interest and other contract rights of the franchise. The board shall establish criteria to determine qualified buyers. The board shall not accept any offer from any qualified buyer for such real and personal property of the district for an amount less than the total amount of outstanding obligations of the district or the amount of sales tax revenues used by the board to acquire a site for the stadium and to construct the stadium, whichever is greater. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE DISTRICT SHALL NOT BE REQUIRED TO SELL THE REAL AND PERSONAL PROPERTY OF THE DISTRICT IF SUCH SALE WOULD ADVERSELY AFFECT THE FEDERAL TAX EXEMPT STATUS OF THE INTEREST ON THE SPECIAL OBLIGATION BONDS ISSUED BY THE DISTRICT PURSUANT TO THIS ARTICLE.

SECTION 16. 32-15-122 (1) (b), Colorado Revised Statutes, is amended, and the said 32-15-122 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

32-15-122. Lease of stadium. (1) Any lease agreement entered into by the district and the franchise shall include, but is not limited to, the following:

(b) A provision requiring the franchise AND ITS SUCCESSORS AND ASSIGNS to conduct its complete regular home season schedule and any home play-off events in the stadium FOR A PERIOD OF AT LEAST TWENTY YEARS AND THAT SUCH PROVISION SHALL BE SPECIFICALLY ENFORCEABLE AGAINST THE FRANCHISE AND ITS SUCCESSORS AND ASSIGNS;

(h) A PROVISION REQUIRING THE FRANCHISE, UPON THE SALE OF THE FRANCHISE OR EIGHTY PERCENT OF THE BENEFICIAL INTEREST IN THE ENTITY OWNING THE FRANCHISE, TO PAY TO THE DISTRICT, AS A ONE-TIME PAYMENT, AN AMOUNT EQUAL TO THE SHARING AMOUNT TO BE USED FOR YOUTH ACTIVITY PROGRAMS. AS USED IN THIS PARAGRAPH (h), "SHARING AMOUNT" MEANS AN AMOUNT EQUAL TO TWO PERCENT OF THE NET PROFIT REALIZED BY THE FRANCHISE OR THE PERSONS OR ENTITIES SELLING INTERESTS, AS THE CASE MAY BE, NOT TO BE LESS THAN ONE MILLION DOLLARS. NET PROFIT MEANS THE GROSS PROCEEDS OF THE SALE LESS CAPITAL CONTRIBUTIONS TO THE FRANCHISE (OR CAPITAL CONTRIBUTIONS OF THE PERSON'S SELLING INTERESTS), PLUS SIX PERCENT IMPUTED ANNUAL RETURN ON SUCH CAPITAL CONTRIBUTIONS, AND LESS FRANCHISE DEBT IF SUCH DEBT IS NOT ASSUMED OR PAID BY THE PURCHASING ENTITY. INDIVIDUAL SALES OF THE FRANCHISE'S BENEFICIAL INTERESTS WILL NOT TRIGGER THIS PROFIT-SHARING PROVISION IF SUCH SALES DO NOT, OVER A ONE-YEAR PERIOD, RESULT IN THE SALE OF EIGHTY PERCENT

OR MORE OF THE BENEFICIAL INTERESTS OF THE FRANCHISE TO A PERSON OR ENTITY OR RELATED PERSONS OR ENTITIES THAT HAVE NOT BEEN BENEFICIAL OWNERS OF INTERESTS OF THIS FRANCHISE.

SECTION 17. Article 15 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-15-125.5. No action maintainable. AN ACTION OR PROCEEDING, AT LAW OR IN EQUITY, TO REVIEW ANY ACT, RESOLUTION, OR PROCEEDING OR TO QUESTION THE VALIDITY OR TO ENJOIN THE PERFORMANCE OF ANY ACT, RESOLUTION, OR PROCEEDING RELATED TO THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF AGAINST OR FROM ANY ACT, RESOLUTION, OR PROCEEDING DONE UNDER THIS ARTICLE WITH RESPECT TO THE FINANCING OF THE STADIUM, THE ELECTION PROVIDED IN THIS ARTICLE, OR THE ACTIONS OF THE BOARD PURSUANT TO SECTION 32-15-106 (1) (a) TO (1) (g), (3), OR (5), SECTION 32-15-107, OR SECTIONS 32-15-110 TO 32-15-113, OR THE VALIDITY OR EXECUTION OF THE MANAGEMENT AGREEMENT PURSUANT TO SECTION 32-15-121 OR THE VALIDITY OR EXECUTION OF THE LEASE PURSUANT TO SECTION 32-15-122, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS, SHALL NOT BE MAINTAINED, UNLESS COMMENCED WITHIN THIRTY DAYS AFTER THE PERFORMANCE OF THE ACT, RESOLUTION, OR PROCEEDING OR AFTER THE EFFECTIVE DATE THEREOF, WHICHEVER IS EARLIER, AND SHALL BE THEREAFTER PERPETUALLY BARRED.

SECTION 18. 32-15-133 (1) (b), Colorado Revised Statutes, is amended to read:

32-15-133. Repeal of article. (1) This article is repealed, effective as of the earliest occurrence of the following:

(b) At such time as a majority of the registered electors within the geographical boundaries of the district vote negatively on the question set forth in section 32-15-107 (1) AND THE BOARD HAS ADOPTED A RESOLUTION DECLARING THAT THE AFFAIRS OF THE DISTRICT HAVE BEEN WOUND UP OR NINETY DAYS HAVE PASSED SINCE SUCH NEGATIVE VOTE, WHICHEVER OCCURS FIRST; or

SECTION 19. 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 22, 1998