

CHAPTER 15

GOVERNMENT - LOCAL

SENATE BILL 99-024

BY SENATORS Epps and Powers;
also REPRESENTATIVES Decker, Mace, Morrison, and Sinclair.

AN ACT

CONCERNING THE TAXING AUTHORITY OF A SCHOOL DISTRICT THAT IS ALSO A SPECIAL DISTRICT TO SUPPORT PUBLIC RECREATIONAL FACILITIES.

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

SECTION 1. Legislative declaration. The general assembly finds, determines, and declares that the purpose of this act is to clarify that school districts that are special districts, as defined in section 29-21-101 (1) (g), Colorado Revised Statutes, and that began levying a tax, with or without approval by the electors of the school district, to support a system of public recreation and playgrounds prior to the effective date of this act have been and shall continue to be authorized to levy such a tax to support such facilities.

SECTION 2. 29-7-102, Colorado Revised Statutes, is amended to read:

29-7-102. School district may own and operate. (1) Any school district may operate a system of public recreation and playgrounds and television relay translator facilities and may exercise all other powers enumerated in section 29-7-101.

(2) (a) IN ADDITION TO ALL OTHER POWERS AND DUTIES THAT MAY BE CONFERRED BY SUBSECTION (1) OF THIS SECTION AND SECTION 29-7-101, THE BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT IS ALSO A SPECIAL DISTRICT, AS DEFINED IN SECTION 29-21-101 (1) (g), AND THAT BEGAN LEVYING A TAX FOR THE OPERATION AND MAINTENANCE OF A SYSTEM OF PUBLIC RECREATION AND PLAYGROUNDS PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (2) MAY CONTINUE TO LEVY SUCH TAX FOR SAID PURPOSES, SUBJECT TO THE LIMITATIONS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2).

(b) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT IS ALSO A SPECIAL

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

DISTRICT, AS DEFINED IN SECTION 29-21-101 (1) (g), SHALL SUBMIT, AFTER NOTICE, THE QUESTION OF EITHER AN IMPOSITION OF A NEW TAX AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2) OR ANY INCREASE IN THE EXISTING TAX LEVY AFTER SAID DATE FOR THE OPERATION AND MAINTENANCE OF A SYSTEM OF PUBLIC RECREATION AND PLAYGROUNDS NOT PREVIOUSLY ESTABLISHED BY RESOLUTION OR ORDINANCE, NOR PREVIOUSLY APPROVED BY A VOTE OF THE REGISTERED ELECTORS RESIDING IN THE SCHOOL DISTRICT, TO A VOTE OF SAID REGISTERED ELECTORS AT THE NEXT GENERAL ELECTION OR THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS OR ON THE SCHOOL DISTRICT'S BIENNIAL ELECTION DATE.

(c) FOLLOWING A VOTE BY THE REGISTERED ELECTORS RESIDING IN THE SCHOOL DISTRICT THAT SETS A MAXIMUM TAX LEVY FOR THE OPERATION AND MAINTENANCE OF A SYSTEM OF PUBLIC RECREATION AND PLAYGROUNDS, SUCH TAX LEVY SHALL REMAIN IN EFFECT, SUBJECT TO THE REQUIREMENTS OF SECTION 29-1-301, UNTIL THE REGISTERED ELECTORS RESIDING IN THE SCHOOL DISTRICT HAVE ESTABLISHED A CHANGE IN THE LEVY BY SUBSEQUENT VOTE PURSUANT TO THE PROVISIONS OF THIS SECTION. A SCHOOL DISTRICT THAT IS ALSO A SPECIAL DISTRICT, AS DEFINED IN SECTION 29-21-101 (1) (g), AND THAT BEGAN LEVYING A TAX FOR THE OPERATION AND MAINTENANCE OF A SYSTEM OF PUBLIC RECREATION AND PLAYGROUNDS PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (2) MAY CONTINUE SUCH LEVY UNTIL THE REGISTERED ELECTORS RESIDING IN THE SCHOOL DISTRICT HAVE ESTABLISHED A CHANGE IN THE LEVY BY SUBSEQUENT VOTE PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 15, 1999