

## CHAPTER 334

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**GOVERNMENT - SPECIAL DISTRICTS**

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**HOUSE BILL 02-1465**

BY REPRESENTATIVE(S) Scott, Decker, and Plant;  
also SENATOR(S) Phillips.

**AN ACT****CONCERNING THE DIVISION OF SPECIAL DISTRICTS INTO SUBDISTRICTS.**

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

**SECTION 1.** 32-1-1101 (1) (f) (II) and (1) (f) (III), Colorado Revised Statutes, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**32-1-1101. Common financial powers.** (1) For and on behalf of the special district, the board has the following powers:

(f) (II) ANY AREA CREATED PURSUANT TO THIS PARAGRAPH (f) SHALL BE A SUBDISTRICT OF THE SPECIAL DISTRICT. A SUBDISTRICT SHALL BE AN INDEPENDENT QUASI-MUNICIPAL CORPORATION, SHALL ACT PURSUANT TO THE PROVISIONS OF THIS ARTICLE, AND SHALL POSSESS ALL OF THE RIGHTS, PRIVILEGES, AND IMMUNITIES OF THE SPECIAL DISTRICT. THE SUBDISTRICT SHALL BE SUBJECT TO THE SERVICE PLAN OF THE SPECIAL DISTRICT. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT ANY SUCH DIVISION OF THE SPECIAL DISTRICT INTO ONE OR MORE SUBDISTRICTS SHALL PROVIDE FOR THE FAIR AND EQUITABLE TAXATION WITHIN THE TERRITORIAL LIMITS OF THE AUTHORITY LEVYING THE TAX IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 3 OF ARTICLE X OF THE STATE CONSTITUTION.

(III) THE BOARD OF THE SPECIAL DISTRICT SHALL CONSTITUTE EX OFFICIO THE BOARD OF DIRECTORS OF THE SUBDISTRICT. THE PRESIDING OFFICER OF THE BOARD SHALL BE EX OFFICIO THE PRESIDING OFFICER OF THE SUBDISTRICT, THE SECRETARY OF THE BOARD SHALL BE EX OFFICIO THE SECRETARY OF THE SUBDISTRICT, AND THE TREASURER OF THE BOARD SHALL BE EX OFFICIO THE TREASURER OF THE SUBDISTRICT. FOR THE PURPOSES OF COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (6) OF THIS SECTION AND ARTICLE 59 OF TITLE 11, C.R.S., THE DEBT OF THE SUBDISTRICT SHALL BE TREATED SEPARATELY FROM THE DEBT OF THE SPECIAL DISTRICT AND SHALL

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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.*

NOT BE TREATED AS DEBT OF THE SPECIAL DISTRICT. THE TOTAL DEBT OF THE SPECIAL DISTRICT AND ALL SUBDISTRICTS SHALL NOT EXCEED ANY DEBT LIMITS SPECIFIED IN THE SERVICE PLAN OF THE SPECIAL DISTRICT.

**SECTION 2.** 32-1-1101 (1.5) (b) and (1.5) (d), Colorado Revised Statutes, are amended, and the said 32-1-1101 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**32-1-1101. Common financial powers.** (1.5) (b) No resolution ~~establishing a levy of additional taxes within any area of the special district~~ DIVIDING THE SPECIAL DISTRICT INTO ONE OR MORE AREAS SHALL BE ADOPTED BY THE BOARD pursuant to paragraph (a) of this subsection (1.5) ~~shall be adopted~~ if a petition objecting to such ~~levy~~ DIVISION is signed by the owners of taxable real and personal property, which property equals more than fifty percent of the total valuation for assessment of all taxable real and personal property within the PROPOSED area boundaries, and is filed with the special district no later than five days prior to the public ~~hearing~~ MEETING. However, the board may change the geographical boundaries of such area at the public meeting.

(d) If ~~additional~~ taxes are to be levied or debt is to be created within an area of the special district, THE BOARD SHALL SUBMIT a ballot issue approving such taxes or debt ~~shall be submitted~~ to the eligible electors within such area at a regular special district election or at a special election held on the Tuesday after the first Monday of November in an even-numbered year or the first Tuesday of November in an odd-numbered year conducted in accordance with the provisions of this article and section 20 of article X of the state constitution. In addition to any other matters, the ballot issue shall provide that the tax to be levied for services, programs, and facilities within such area is in addition to any other taxes imposed by the SPECIAL district. ~~The requirements set forth in subsection (6) of this section shall be applicable to the issuance of general obligation debt within an area of the special district.~~

(f) NOTHING IN THIS SUBSECTION (1.5) OR IN PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION SHALL IMPOSE ANY REQUIREMENT CONTAINED IN HOUSE BILL 02-1465, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, UPON ANY AREA THAT WAS IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (f); EXCEPT THAT A DISTRICT MAY, BY RESOLUTION, ELECT TO APPLY ANY OF SAID REQUIREMENTS TO SUCH AREA.

**SECTION 3. Effective date.** This act shall take effect October 1, 2002, unless a referendum petition is filed during 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. If such 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 shall take effect on the specified date only if approved by the people.

Approved: June 7, 2002