

## CHAPTER 373

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**GOVERNMENT - LOCAL**


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**SENATE BILL 03-326**

BY SENATOR(S) Cairns, Arnold, and Kester;  
also REPRESENTATIVE(S) Spence, Fritz, Boyd, Frangas, Hodge, Lee, Marshall, McFadyen, Merrifield, Paccione, Rhodes, and Williams S.

**AN ACT****CONCERNING STATUTORY PROVISIONS GOVERNING PUBLICLY-SUPPORTED LIBRARIES.**

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

**SECTION 1.** 24-90-103 (4), (5), (8), (9), (13), (14), (16), (19), and (20), Colorado Revised Statutes, are amended, and the said 24-90-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**24-90-103. Definitions.** As used in this article, unless the context otherwise requires:

(3.5) "INSTITUTIONAL LIBRARY" MEANS A LIBRARY, WITH THE EXCEPTION OF A LAW LIBRARY, CONTAINED WITHIN A CORRECTIONAL, RESIDENTIAL, OR MENTAL HEALTH FACILITY OPERATED BY THE STATE.

(4) "Joint library" means a ~~public library established and maintained under contract by two or more governmental units including at least one school district.~~ JOINTLY FUNDED THROUGH AN AGREEMENT BY TWO OR MORE GOVERNMENTAL UNITS OR BY ONE OR MORE GOVERNMENTAL UNITS AND AN INSTITUTION OF HIGHER EDUCATION PROVIDING AT LEAST TWO OF THE FOLLOWING TYPES OF LIBRARY SERVICES: ACADEMIC, PUBLIC, OR SCHOOL.

(4.5) "LEGAL SERVICE AREA" MEANS THE GEOGRAPHIC AREA FOR WHICH A PUBLIC LIBRARY HAS BEEN ESTABLISHED TO OFFER SERVICES AND FROM WHICH, OR ON BEHALF OF WHICH, THE LIBRARY DERIVES INCOME. A "LEGAL SERVICE AREA" SHALL BE DEFINED IN TERMS OF GEOGRAPHIC UNITS FOR WHICH OFFICIAL POPULATION ESTIMATES CAN BE OBTAINED OR DERIVED ANNUALLY FROM EITHER THE UNITED STATES CENSUS BUREAU OR THE COLORADO STATE DATA CENTER. "LEGAL SERVICE

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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.*

AREA" INCLUDES ANY AREAS SERVED UNDER CONTRACT FOR WHICH THE LIBRARY IS THE PRIMARY PROVIDER OF LIBRARY SERVICES AND FOR WHICH THE LIBRARY RECEIVES FUNDS TO SERVE.

(5) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit OR IN A LIBRARY DISTRICT OR THAT UNDERTAKES OTHER ACTION ON BEHALF OF THE GOVERNMENTAL UNIT OR LIBRARY DISTRICT AS SPECIFIED IN THIS ARTICLE.

(5.5) "LIBRARY" MEANS AN ENTITY THAT PROVIDES:

(a) AN ORGANIZED COLLECTION OF PRINTED OR OTHER RESOURCES OR A COMBINATION OF SUCH RESOURCES;

(b) PAID STAFF;

(c) AN ESTABLISHED SCHEDULE IN WHICH SERVICES OF THE STAFF ARE AVAILABLE TO ITS CLIENTELE; AND

(d) THE FACILITIES NECESSARY TO SUPPORT SUCH COLLECTION, STAFF, AND SCHEDULE.

~~(8) "Library service area" means the geographic area served by any existing or proposed publicly-supported library.~~

~~(9) "Metropolitan library district" means a library district which is formed by a city and county and one or more counties or by two or more counties and which is supported by and serves all the governmental units comprising the district, regardless of whether the constituent governmental units operate their own public libraries.~~

(9.5) "METROPOLITAN AREA" MEANS A GEOGRAPHICAL AREA DESIGNATED AS A METROPOLITAN AREA BY THE OFFICE OF MANAGEMENT AND BUDGET OF THE UNITED STATES GOVERNMENT.

(13)(a) "Public library" means ~~a library which is established~~ AN ADMINISTRATIVE ENTITY THAT IS:

(I) Operated and maintained FOR THE FREE USE OF THE PUBLIC RESIDING WITHIN ITS LEGAL SERVICE AREA;

(II) OPERATED AND MAINTAINED in whole or in part with money derived from LOCAL taxation; and ~~which is for the free use of the public, and includes county libraries, municipal libraries, library districts, and joint libraries.~~

(III) OPEN TO THE PUBLIC A MINIMUM NUMBER OF HOURS PER WEEK IN ACCORDANCE WITH RULES ESTABLISHED BY THE STATE LIBRARY.

(b) AN ADMINISTRATIVE ENTITY MAY PROVIDE PUBLIC LIBRARY SERVICES THROUGH A SINGLE PUBLIC OUTLET OR ANY COMBINATION OF ANY OF THE FOLLOWING TYPES OF OUTLETS: A CENTRAL OR MAIN LIBRARY, BRANCH LIBRARIES, OR BOOKMOBILES.

(13.5) "PUBLIC LIBRARY SERVICES" MEANS SERVICES CUSTOMARILY PROVIDED BY A PUBLIC LIBRARY.

(14) "Publicly-supported library" means a library supported principally with money derived from taxation. ~~and includes~~ PUBLICLY-SUPPORTED LIBRARIES SHALL INCLUDE all public libraries ~~as well as~~ AND MAY INCLUDE academic libraries, school libraries, and special libraries.

(15.5) "REGIONAL LIBRARY AUTHORITY" MEANS A SEPARATE GOVERNMENTAL ENTITY CREATED BY AN AGREEMENT ENTERED INTO BY ANY TWO OR MORE GOVERNMENTAL UNITS FOR THE PURPOSE OF PROVIDING AND FUNDING PUBLIC LIBRARY SERVICES TO THE RESIDENTS OF THE GOVERNMENTAL UNITS THAT ARE PARTIES TO THE AGREEMENT.

(16) "Regional library service system" means an organization of publicly-supported MEMBER libraries, established to provide, DEVELOP, AND COORDINATE cooperative interlibrary services within a designated geographical area, THAT IS GOVERNED BY AN INDEPENDENT BOARD.

(19) "Special library" means a library established and maintained primarily for the use of a specialized population, including libraries operated by an Indian tribe having a reservation in this state; EXCEPT THAT, WHERE THE SPECIALIZED POPULATION THAT IS AN INDIAN TRIBE HAVING A RESERVATION IN THIS STATE REQUESTS CLASSIFICATION OF A LIBRARY ESTABLISHED AND MAINTAINED FOR ITS USE AS A PUBLIC LIBRARY AND THE LIBRARY SATISFIES THE DEFINITION OF A PUBLIC LIBRARY AS SPECIFIED IN SUBSECTION (13) OF THIS SECTION, THE LIBRARY SHALL BE TREATED AS A PUBLIC LIBRARY FOR PURPOSES OF THIS ARTICLE.

~~(20) "Standard metropolitan statistical area" means a geographical area designated as a standard metropolitan statistical area by the federal office of management and budget and having such designation on January 1, 1980, or any new area designated by the same office on the basis of the 1980 census counts and the standards for designation and definition of standard metropolitan statistical areas which were published in the federal register on January 3, 1980, and any county contiguous to such designated areas. "New area", as used in this subsection (20), means a geographic area composed of territory which was never previously within an area designated as a standard metropolitan statistical area.~~

**SECTION 2.** 24-90-103.5, Colorado Revised Statutes, is amended to read:

**24-90-103.5. Acts and elections conducted pursuant to provisions that refer to qualified electors or registered electors.** Any elections, and any acts relating thereto, carried out under this article, ~~which~~ THAT were conducted prior to ~~July 1, 1987~~ JULY 1, 2003, pursuant to provisions ~~which~~ THAT refer to a qualified elector rather than a registered elector and ~~which~~ THAT were valid when conducted shall be deemed and held to be legal and valid in all respects.

**SECTION 3.** 24-90-104 (2), Colorado Revised Statutes, is amended to read:

**24-90-104. State library created - administration.** (2) The commissioner of education, as ex officio state librarian, has charge and direction of the state library

but may delegate to the assistant commissioner in charge of the state library any or all of the powers given to the state librarian in this article for such periods and under such restrictions as ~~he~~ THE COMMISSIONER sees fit, upon approval of the state board of education.

**SECTION 4.** 24-90-105 (1) (a) (I), (1) (d), (1) (g), (1) (h), (1) (i), and (1) (j), Colorado Revised Statutes, are amended to read:

**24-90-105. Powers and duties of state librarian.** (1) The state librarian has the following powers and duties with respect to the state library:

(a) (I) To make reasonable rules and regulations for the administration of the provisions of this part 1 and ~~part 4~~ PARTS 2, 3, 4, AND 5 of this article; for the use of state library materials; AND for the purchase, control, and use of books and other resources; ~~and for the establishment, maintenance, and operation of libraries maintained by the state in correctional institutions, medical and mental hospitals, youth facilities, training schools, regional centers, psychiatric centers, nursing homes, and community care centers.~~

(d) To furnish or contract for the furnishing of library service to ~~correctional, residential, and medical institutions operated by the state;~~ INSTITUTIONAL LIBRARIES, AND TO MAKE REASONABLE RULES FOR THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF INSTITUTIONAL LIBRARIES; EXCEPT THAT ANY SUCH RULES SHALL NOT CONFLICT WITH ANY RULES PROMULGATED BY THE DEPARTMENT OF CORRECTIONS;

(g) To coordinate programs and activities of the regional library service systems, as provided by THE RULES OF THE REGIONAL LIBRARY SERVICE SYSTEM CREATED IN section 24-90-115;

(h) To provide for the collection, analysis, publication, and distribution of statistics and information relevant to ~~the operation of the state library and all other types of~~ TO PUBLIC, SCHOOL, ACADEMIC, AND INSTITUTIONAL libraries. ~~in the state.~~ Publications circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136.

(i) To conduct or contract for research projects necessary to ~~the development of long-range planning for effective~~ PLAN AND EVALUATE THE EFFECTIVENESS OF library programs in the state;

(j) To contract for the lending of books and other resources to publicly-supported libraries and institutions, INCLUDING, WITHOUT LIMITATION, THE COLORADO RESOURCE CENTER AT THE DENVER PUBLIC LIBRARY AND ANY OTHER RESOURCE CENTERS AS MAY BE DESIGNATED;

**SECTION 5.** 24-90-105 (2) (a), (2) (b), (2) (d), and (2) (f), Colorado Revised Statutes, are amended, and the said 24-90-105 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**24-90-105. Powers and duties of state librarian.** (2) The state librarian has the following powers and duties with respect to other publicly-supported libraries in the state:

(a) To further library development and ~~encourage contractual and cooperative relations to enhance resource sharing among all types of libraries and agencies throughout the state~~; TO PROVIDE FOR THE SUPPLYING OF CONSULTATIVE ASSISTANCE AND INFORMATION TO ALL TYPES OF PUBLICLY SUPPORTED LIBRARIES IN THE STATE THROUGH FIELD VISITS, CONFERENCES, INSTITUTES, CORRESPONDENCE, STATISTICAL INFORMATION, PUBLICATIONS, AND ELECTRONIC MEDIA; AND TO DO ANY AND ALL THINGS THAT MAY REASONABLY BE EXPECTED TO PROMOTE AND ADVANCE LIBRARY SERVICES;

(a.3) TO DEVELOP AND PROMULGATE SERVICE STANDARDS FOR SCHOOL, PUBLIC, AND INSTITUTIONAL LIBRARIES TO GUIDE THE DEVELOPMENT AND IMPROVEMENT OF SUCH LIBRARIES; EXCEPT THAT ANY SUCH STANDARDS SHALL NOT CONFLICT WITH ANY STANDARDS PROMULGATED BY THE DEPARTMENT OF CORRECTIONS;

(a.5) TO ENCOURAGE CONTRACTUAL AND COOPERATIVE RELATIONS TO ENHANCE RESOURCE SHARING AMONG ALL TYPES OF LIBRARIES AND AGENCIES THROUGHOUT THE STATE;

(b) To serve as the agency of the state to receive and administer state or federal funds ~~which~~ THAT may be appropriated to further library development within the state upon approval of the state ~~board of education~~ LIBRARIAN; except that this paragraph (b) shall not preclude other governmental units, including, but not limited to, municipalities, counties, a city and county, and library districts, from applying for, receiving, or administering such state or federal funds;

(d) ~~To provide for the supplying of consultative assistance and information to all types of publicly-supported libraries in the state through field visits, conferences, institutes, correspondence, statistical information, and publications and to do any and all things he may reasonably be expected to do to promote and advance library services~~;

(f) To carry out the functions and responsibilities of the Colorado ~~computer information~~ VIRTUAL LIBRARY network pursuant to part 3 of this article.

**SECTION 6.** 24-90-106, Colorado Revised Statutes, is amended to read:

**24-90-106. Participation of existing libraries in the formation of new libraries.** (1) Any governmental unit of the state of Colorado has the power to establish and maintain a public library under the provisions of this part 1, either by itself or in cooperation with one or more other governmental units. WHENEVER A COUNTY LIBRARY OR LIBRARY DISTRICT IS PROPOSED TO BE FORMED, specific written notification of the proposed establishment shall be given at least ninety days prior to anticipated action on the proposed establishment to each governmental unit maintaining a public library in the ~~proposed library~~ LEGAL service area OF THE PROPOSED LIBRARY and ~~each library~~ THE board of trustees ~~thereof~~ OF EACH LIBRARY. The legislative body of any governmental unit that maintains a public library within the territory to be served by a county library or a library district or the board of trustees of an established library district shall decide, by resolution or ordinance, whether or not to participate in the county library or library district. If participation in the county library or library district is to be funded by any amount of tax levy not previously established by resolution or ordinance nor previously approved by the

electors, the resolution or ordinance shall state that the electors of the library district or governmental unit must approve that levy before participation can be effected. Written notice of a decision not to participate shall be filed with the board of county commissioners in the case of a proposed county library or with the boards of county commissioners of each county having territory within the library LIBRARY'S LEGAL service area in the case of a proposed library district. The notice shall be filed at least thirty days prior to action being taken on the resolution or ordinance to create a county library or library district or on the resolution to conduct an election to create the county library or library district.

~~(2) If a municipality is included in the service area of an existing county library or library district, public library service shall not be refused or discontinued other than as provided in this article. The municipality may establish its own municipal library only by choosing to do so by means of financial support that does not affect the financial support previously established for the county library or library district; except that the municipality and the county library or library district may, by mutual written agreement, permit a financing method for a municipal library that does affect the financial support previously established for the county library or library district. If establishment of the municipal library is to be funded by any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors of the municipality, the electors must approve that levy before the municipality can establish the library.~~

~~(3) In lieu of establishment of a public library, the legislative body of a governmental unit may contract to receive library service from an existing public library, the board of trustees of which has the reciprocal power to render the service. Any school district may contract for library service from any existing public library; such service to be paid from funds available to the school district for library purposes.~~

**SECTION 7.** Part 1 of article 90 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS to read:

**24-90-106.5. [Formerly 24-90-106 (2)] Establishment or removal of a municipal library in an existing county library or library district.** If a municipality is included in the service area of an existing county library or library district, public library service shall not be refused or discontinued other than as provided in this article. The municipality may establish its own municipal library only by choosing to do so by means of financial support that does not affect the financial support previously established for the county library or library district; except that the municipality and the county library or library district may, by mutual written agreement, permit a financing method for a municipal library that does affect the financial support previously established for the county library or library district. If establishment of the municipal library is to be funded by any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors of the municipality, the electors must approve that levy before the municipality can establish the library.

**SECTION 8.** 24-90-107 (1), (2) (c), (3) (a) (IV), and (3) (b), the introductory portion to 24-90-107 (3) (c) (II), 24-90-107 (3) (c) (II) (B), (3) (c) (III) (A), and (3) (c) (III) (C), and the introductory portion to 24-90-107 (3) (d), Colorado Revised

Statutes, are amended, and the said 24-90-107 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-90-107. Method of establishment.** (1) A municipal or county library may be established for a governmental unit either by the legislative body of said governmental unit on its own initiative, by adoption of a resolution or ordinance to that effect, or upon petition of one hundred registered electors residing in the proposed ~~library~~ LIBRARY'S LEGAL service area. A joint library may be established by the legislative bodies of two or more governmental units, and a library district by the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect. ~~or, in the case of~~ A library district MAY ALSO BE FORMED by petition of one hundred registered electors residing within the proposed library district addressed to the boards of county commissioners in each county in the proposed library district.

(2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

(c) The resolution or ordinance shall describe the proposed ~~library~~ LIBRARY'S LEGAL service area, ~~expressly including~~ IDENTIFYING any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.

(3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:

(a) The petition shall set forth:

(IV) A general description of the ~~library~~ LEGAL service area of the proposed public library with such certainty as to enable a property owner to determine whether or not such property owner's property is within the proposed ~~library~~ LIBRARY'S LEGAL service area; and

(b) Petitions shall be addressed to the legislative body of the county or municipality, or, in the case of a library district, to the boards of county commissioners of each county having territory within the ~~library~~ LEGAL service area of the proposed district.

(c) (II) Except as otherwise provided in subparagraph (III) of this paragraph (c), the board of county commissioners of each county having territory within the ~~library~~ LEGAL service area of the proposed library district may:

(B) With the consent of the board of trustees of an existing library, pay for the costs of the election for the proposed library district. If the ~~library~~ LEGAL service area of a proposed library district includes two or more counties, the costs of election for such library district to be paid by any county pursuant to this sub-subparagraph (B) shall not exceed a percentage of said costs equal to the percentage that the population of the county within the boundaries of the ~~library~~ LEGAL service area bears

to the total population within the boundaries of such service area.

(III) (A) Subject to the provisions of sub-subparagraphs (B) and (C) of this subparagraph (III), the board of county commissioners of each county having territory within the ~~library~~ LEGAL service area of the proposed library district shall pay no less than fifty percent of the costs of the election for such library district if the petition submitted pursuant to subsection (1) of this section contains signatures by registered electors residing in the proposed library district in an amount equal to at least five percent of the total number of votes cast in every precinct in the proposed library district for all candidates for the office of secretary of state at the previous general election.

(C) In the case where the ~~library~~ LEGAL service area of a proposed library district includes two or more counties, the costs of the election for ~~such~~ THE library district shall be paid on a prorated basis with each county within the boundaries of the proposed ~~library~~ LIBRARY'S LEGAL service area paying a percentage of said costs equal to the percentage that the population of the county within the boundaries of the ~~library~~ LIBRARY'S LEGAL service area bears to the total population of such service area.

(c.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COSTS OF THE ELECTION OF A PROPOSED LIBRARY DISTRICT MAY BE ASSUMED BY AN EXISTING LIBRARY WHERE THE ASSUMPTION OF THE COSTS HAS BEEN APPROVED BY THE BOARD OF TRUSTEES OF SAID LIBRARY.

(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed ~~library~~ LIBRARY'S LEGAL service area in accordance with the following provisions:

**SECTION 9.** 24-90-108 (1), (2) (c), and (3) (a), Colorado Revised Statutes, are amended to read:

**24-90-108. Board of trustees of public libraries.** (1) The management and control of any library established, operated, or maintained under the provisions of this part 1 shall be vested in a board of not fewer than five nor more than seven trustees. Appointees to the library board of trustees shall be chosen from the residents within the ~~library~~ LEGAL service area of the library.

(2) (c) In library districts, the legislative body of each participating governmental unit shall appoint two of its members to a committee ~~which~~ THAT shall appoint the initial board of trustees. IN A LIBRARY DISTRICT ESTABLISHED BY ONLY ONE GOVERNMENTAL UNIT, THE LEGISLATIVE BODY OF THE GOVERNMENTAL UNIT SHALL DECIDE THE NUMBER OF MEMBERS TO BE APPOINTED TO THE COMMITTEE FORMED TO APPOINT THE INITIAL BOARD OF TRUSTEES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (c). Thereafter, ~~the~~ ANY SUCH legislative ~~bodies~~ BODY may either continue such a committee or delegate to the board of trustees of the library district the authority to recommend new trustees. Trustee appointments shall be ratified by a two-thirds majority of the legislative ~~bodies~~ BODY; except that the failure of a legislative body to act within sixty days upon a recommendation shall be

considered a ratification of such appointment.

(3) (a) The first appointments of such boards of trustees shall be for terms of one, two, three, four, and five years respectively if there are five trustees, one for each of such terms except the five-year term for which two shall be appointed if there are six trustees, and one for each of such terms except the four-year and five-year terms for each of which two shall be appointed if there are seven trustees. Thereafter a trustee shall be appointed for the length of term specified by the legislative body or, IN THE CASE OF A LIBRARY DISTRICT, BY the bylaws adopted by ~~the~~ ITS board of trustees. ~~of a library district.~~ The number of terms a trustee may serve shall be specified by the legislative body or, IN THE CASE OF A LIBRARY DISTRICT, BY the bylaws adopted by ~~the~~ ITS board of trustees. ~~of a library district.~~

**SECTION 10.** 24-90-109 (1) (l) and (2), Colorado Revised Statutes, are amended, and the said 24-90-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-90-109. Powers and duties of board of trustees.** (1) The board of trustees shall:

(I) (I) IN THE CASE OF A COUNTY OR MUNICIPAL LIBRARY, submit financial records for audit as required by the legislative body of the appropriate governmental unit; OR

(II) (II) IN THE CASE OF ANY LIBRARY DISTRICT, CONDUCT AN ANNUAL AUDIT OF THE FINANCIAL STATEMENTS OF THE DISTRICT.

(2) At the close of each CALENDAR year, the board of trustees of every public library shall make a report to the legislative body OR BODIES of the appropriate governmental unit OR UNITS showing the condition of its trust during the year, the sums of money expended, and the purposes of the expenditures ~~The report shall include such other statistics and information as the board of trustees deems of public interest and as may be requested by the state library. A copy of this report shall be filed with the state librarian~~ AND SUCH OTHER STATISTICS AND INFORMATION AS THE BOARD OF TRUSTEES DEEMS TO BE OF PUBLIC INTEREST.

(2.5) AT THE CLOSE OF EACH CALENDAR YEAR, THE BOARD OF TRUSTEES OF EVERY PUBLIC LIBRARY SHALL MAKE A REPORT TO THE STATE LIBRARY IN THE FORM OF A RESPONSE TO A SURVEY TO BE DESIGNED AND ADMINISTERED BY THE STATE LIBRARY. THE REPORT SHALL CONTAIN SUCH OTHER STATISTICS AND INFORMATION AS MAY BE REQUIRED BY THE STATE LIBRARY.

**SECTION 11.** Part 1 of article 90 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-90-110.7. Regional library authorities.** (1) (a) IN ORDER TO SUPPORT AND PROVIDE FOR PUBLIC LIBRARY SERVICE ON A REGIONAL BASIS, PARTICULARLY IN ANY REGION OF THE STATE LACKING SUFFICIENT PUBLIC LIBRARY RESOURCES TO ADEQUATELY SERVE THE NEEDS OF THE PUBLIC, ANY COMBINATION OF TWO OR MORE GOVERNMENTAL UNITS ACTING THROUGH THEIR GOVERNING BODIES, REGARDLESS OF WHETHER SUCH UNIT CURRENTLY MAINTAINS A PUBLIC LIBRARY, MAY, BY CONTRACTING WITH OR AMONG EACH OTHER, ESTABLISH A SEPARATE GOVERNMENTAL

ENTITY TO BE KNOWN AS A REGIONAL LIBRARY AUTHORITY, REFERRED TO IN THIS SECTION AS AN "AUTHORITY". SUCH AUTHORITY MAY BE USED BY SUCH CONTRACTING MEMBER GOVERNMENTAL UNITS TO EFFECT THE ACQUISITION, CONSTRUCTION, FINANCING, OPERATION, OR MAINTENANCE OF PUBLICLY-SUPPORTED LIBRARY SERVICES ON A REGIONAL BASIS WITHIN THE JURISDICTION OF THE AUTHORITY. FOR PURPOSES OF THIS SECTION, A GOVERNMENTAL UNIT MAY INCLUDE A LIBRARY DISTRICT WITHIN THE MEANING OF SECTION 24-90-103 (6).

(b) NO SUCH AUTHORITY SHALL BE FORMED PURSUANT TO THIS SECTION UNLESS EACH OF THE CONTRACTING MEMBER GOVERNMENTAL UNITS FORMING SUCH AUTHORITY HAS PASSED A RESOLUTION OR ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (d) OF THIS SUBSECTION (1) AND HAS ENTERED INTO A CONTRACT PURSUANT TO SECTION 29-1-203, C.R.S., FOR THE CREATION, OPERATION, AND ADMINISTRATION OF SUCH AUTHORITY.

(c) (I) IN CONNECTION WITH THE ESTABLISHMENT OF AN AUTHORITY, AT LEAST ONE PUBLIC HEARING SHALL BE CONDUCTED BY EACH OF THE CONTRACTING MEMBER GOVERNMENTAL UNITS THAT INTEND TO ENTER INTO A CONTRACT FOR THE PURPOSE OF FORMING THE AUTHORITY. ANY SUCH HEARING SHALL BE PRECEDED BY ADEQUATE AND TIMELY NOTICE OF THE TIME AND PLACE OF THE HEARING. THE NOTICE SHALL SPECIFY THE MATTERS TO BE INCLUDED IN THE RESOLUTION OR ORDINANCE AND SHALL FIX A DATE FOR THE HEARING THAT SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN SIXTY DAYS AFTER THE DATE OF FIRST PUBLICATION OF SUCH NOTICE.

(II) ANY PUBLIC HEARING CONDUCTED IN ACCORDANCE WITH THE REQUIREMENT OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL ADDRESS, WITHOUT LIMITATION, THE PURPOSES OF THE AUTHORITY, AND, WHERE MORE THAN ONE GOVERNMENTAL UNIT IS INVOLVED IN THE FORMATION OF THE AUTHORITY, THE POWERS, RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES, FINANCIAL AND OTHERWISE, OF EACH GOVERNMENTAL UNIT THAT IS FORMING THE AUTHORITY.

(d) THE RESOLUTION OR ORDINANCE TO BE ADOPTED BY EACH OF THE CONTRACTING MEMBER GOVERNMENTAL UNITS FORMING THE AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL:

(I) DESCRIBE THE LEGAL SERVICE AREA OF THE AUTHORITY;

(II) DESCRIBE THE PROPOSED GOVERNANCE OF THE AUTHORITY; AND

(III) STATE THAT THE REGISTERED ELECTORS RESIDING WITHIN THE TERRITORIAL BOUNDARIES OF SUCH CONTRACTING MEMBER GOVERNMENTAL UNITS SHALL APPROVE ANY AMOUNT OF SALES OR USE TAX, OR BOTH, IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION OR AN AD VALOREM TAX IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (h) OF SUBSECTION (3) OF THIS SECTION NOT PREVIOUSLY APPROVED BY THE ELECTORS BEFORE THE AUTHORITY SHALL LEVY SUCH TAXES.

(2) UPON ESTABLISHMENT OF AN AUTHORITY SATISFYING THE REQUIREMENTS OF THIS SECTION, A CONTRACT BETWEEN THE LEGISLATIVE BODIES OF THE CONTRACTING MEMBER GOVERNMENTAL UNITS, SHALL BE EFFECTED WITHIN NINETY DAYS. ANY

CONTRACT ESTABLISHING SUCH AUTHORITY SHALL, WITHOUT LIMITATION, SPECIFY:

(a) THE NAME AND PURPOSE OF SUCH AUTHORITY AND THE FUNCTIONS OR SERVICES TO BE PROVIDED BY SUCH AUTHORITY;

(b) THE BOUNDARIES OF THE AUTHORITY, WHICH BOUNDARIES MAY INCLUDE LESS THAN THE ENTIRE AREA OF ANY SEPARATE COUNTY, BUT SHALL NOT BE LESS THAN THE ENTIRE AREA OF ANY MUNICIPALITY AND ANY OTHER GOVERNMENTAL UNIT FORMING THE AUTHORITY, AND MAY BE MODIFIED AFTER THE ESTABLISHMENT OF THE AUTHORITY AS PROVIDED IN THE CONTRACT;

(c) THE ESTABLISHMENT AND ORGANIZATION OF A GOVERNING BODY OF THE AUTHORITY, WHICH SHALL BE A BOARD OF DIRECTORS, REFERRED TO IN THIS SECTION AS THE "BOARD OF THE AUTHORITY", IN WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS VESTED, INCLUDING:

(I) THE NUMBER OF DIRECTORS, THEIR MANNER OF APPOINTMENT, THEIR TERMS OF OFFICE, THEIR COMPENSATION, IF ANY, AND THE PROCEDURE FOR FILLING VACANCIES ON THE BOARD OF THE AUTHORITY;

(II) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR SELECTION, AND THEIR DUTIES;

(III) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD OF THE AUTHORITY; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE, A MAJORITY OF DIRECTORS SHALL CONSTITUTE A QUORUM, AND A MAJORITY OF THE QUORUM SHALL BE NECESSARY FOR ANY ACTION TAKEN BY THE BOARD OF THE AUTHORITY; AND

(IV) THE DUTIES OF THE BOARD OF THE AUTHORITY, WHICH SHALL INCLUDE THE OBLIGATION TO COMPLY WITH THE PROVISIONS OF PARTS 1, 5, AND 6 OF ARTICLE 1 OF TITLE 29, C.R.S.;

(d) PROVISIONS FOR THE DISPOSITION, DIVISION, OR DISTRIBUTION OF ANY PROPERTY OR ASSETS OF THE AUTHORITY;

(e) THE TERM OF THE CONTRACT, WHICH MAY BE CONTINUED FOR A DEFINITE TERM OR UNTIL RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE RESCINDED OR TERMINATED; EXCEPT THAT SUCH CONTRACT MAY NOT BE RESCINDED OR TERMINATED SO LONG AS THE AUTHORITY HAS BONDS, NOTES, OR OTHER OBLIGATIONS OUTSTANDING, UNLESS PROVISION FOR FULL PAYMENT OF SUCH OBLIGATIONS, BY ESCROW OR OTHERWISE, HAS BEEN MADE PURSUANT TO THE TERMS OF SUCH OBLIGATIONS; AND

(f) THE EXPECTED SOURCES OF REVENUE OF THE AUTHORITY AND ANY REQUIREMENTS THAT CONTRACTING MEMBER GOVERNMENTAL UNITS CONSENT TO THE LEVYING OF ANY TAXES WITHIN THE JURISDICTION OF SUCH MEMBER. IF THE AUTHORITY LEVIES ANY TAXES, THE CONTRACT SHALL FURTHER INCLUDE REQUIREMENTS THAT:

(I) PRIOR TO AND AS A CONDITION OF LEVYING ANY SUCH TAXES OR FEES, THE BOARD OF THE AUTHORITY SHALL ADOPT A RESOLUTION DETERMINING THAT THE

LEVYING OF THE TAXES OR FEES WILL FAIRLY DISTRIBUTE THE COSTS OF THE AUTHORITY'S ACTIVITIES AMONG THE PERSONS OR COMMUNITIES BENEFITED THEREBY AND WILL NOT IMPOSE AN UNDUE BURDEN ON ANY PARTICULAR GROUP OF PERSONS OR COMMUNITIES;

(II) EACH SUCH TAX SHALL CONFORM WITH ANY REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION; AND

(III) THE AUTHORITY SHALL DESIGNATE A FINANCIAL OFFICER WHO SHALL COORDINATE WITH THE DEPARTMENT OF REVENUE REGARDING THE COLLECTION OF A SALES AND USE TAX AUTHORIZED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION. THIS COORDINATION SHALL INCLUDE BUT NOT BE LIMITED TO THE FINANCIAL OFFICER IDENTIFYING THOSE BUSINESSES ELIGIBLE TO COLLECT THE SALES AND USE TAX AND ANY OTHER ADMINISTRATIVE DETAILS IDENTIFIED BY THE DEPARTMENT.

(3) THE GENERAL POWERS OF SUCH AUTHORITY SHALL INCLUDE THE FOLLOWING POWERS:

(a) TO ACQUIRE, CONSTRUCT, FINANCE, OPERATE, OR MAINTAIN PUBLIC LIBRARY SERVICES LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF THE AUTHORITY;

(b) TO MAKE AND ENTER INTO CONTRACTS WITH ANY PERSON, INCLUDING, WITHOUT LIMITATION, CONTRACTS WITH STATE OR FEDERAL AGENCIES, PRIVATE ENTERPRISES, AND NONPROFIT ORGANIZATIONS ALSO INVOLVED IN PROVIDING SUCH PUBLIC LIBRARY SERVICES OR THE FINANCING FOR THE SERVICES, IRRESPECTIVE OF WHETHER THE AGENCIES ARE PARTIES TO THE CONTRACT ESTABLISHING THE AUTHORITY;

(c) TO EMPLOY AGENTS AND EMPLOYEES;

(d) TO COOPERATE WITH STATE AND FEDERAL GOVERNMENTS IN ALL RESPECTS CONCERNING THE FINANCING OF SUCH LIBRARY SERVICES;

(e) TO ACQUIRE, HOLD, LEASE, AS LESSOR OR LESSEE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY, COMMODITY, OR SERVICE;

(f) (I) SUBJECT TO THE PROVISIONS OF SUBSECTION (9) OF THIS SECTION, TO LEVY, IN ALL OF THE AREA DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (f) WITHIN THE BOUNDARIES OF THE AUTHORITY, A SALES OR USE TAX, OR BOTH, AT A RATE NOT TO EXCEED ONE PERCENT, UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES OR USE TAX IS LEVIED BY THE STATE PURSUANT TO THE PROVISIONS OF ARTICLE 26 OF TITLE 39, C.R.S. THE TAX IMPOSED PURSUANT TO THIS PARAGRAPH (f) IS IN ADDITION TO ANY OTHER SALES OR USE TAX IMPOSED PURSUANT TO LAW AND IS EXEMPT FROM THE LIMITATION IMPOSED BY SECTION 29-2-108, C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE THE SALES OR USE TAX, TO THE EXTENT FEASIBLE, IN THE MANNER PROVIDED IN SECTION 29-2-106, C.R.S. HOWEVER, THE EXECUTIVE DIRECTOR SHALL NOT BEGIN THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF A SALES AND USE TAX UNTIL SUCH TIME AS THE FINANCIAL OFFICER OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR HAVE AGREED ON ALL NECESSARY

MATTERS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (f) OF SUBSECTION (2) OF THIS SECTION. THE EXECUTIVE DIRECTOR SHALL BEGIN THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF A SALES AND USE TAX ON A DATE MUTUALLY AGREEABLE TO THE DEPARTMENT OF REVENUE AND THE AUTHORITY.

(II) THE AREA IN WHICH THE SALES OR USE TAX AUTHORIZED BY THIS PARAGRAPH (f) IS LEVIED SHALL NOT INCLUDE LESS THAN THE ENTIRE AREA OF ANY MUNICIPALITY LOCATED WITHIN THE AREA IN WHICH THE TAX WILL BE LEVIED. THE AREA MAY ALSO INCLUDE PORTIONS OF UNINCORPORATED AREAS LOCATED WITHIN A COUNTY.

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL MAKE MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE AUTHORITY, WHICH SHALL APPLY THE PROCEEDS SOLELY TO THE ACQUISITION, CONSTRUCTION, FINANCING, OPERATION, OR MAINTENANCE OF PUBLIC LIBRARY SERVICES WITHIN THE JURISDICTION OF THE AUTHORITY.

(IV) THE DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT NOT TO EXCEED THE COST OF THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT AND SHALL TRANSMIT THE AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME AMOUNT TO THE REGIONAL LIBRARY AUTHORITY SALES TAX FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE AMOUNTS SO RETAINED ARE HEREBY APPROPRIATED ANNUALLY FROM THE FUND TO THE DEPARTMENT TO THE EXTENT NECESSARY FOR THE DEPARTMENT'S COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE PROVISIONS OF THIS SECTION. ANY MONEYS REMAINING IN THE FUND ATTRIBUTABLE TO TAXES COLLECTED IN THE PRIOR FISCAL YEAR SHALL BE TRANSMITTED TO THE AUTHORITY; EXCEPT THAT PRIOR TO THE TRANSMISSION TO THE AUTHORITY OF SUCH MONEYS, ANY MONEYS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT FOR THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE TAX FOR THE PRIOR FISCAL YEAR SHALL BE REPAID.

(g) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY SALES TAX AUTHORIZED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (f) OF THIS SUBSECTION (3) SHALL NOT BE LEVIED ON:

(I) THE SALE OF TANGIBLE PERSONAL PROPERTY DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR DELIVERED TO A COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE BOUNDARIES OF THE AUTHORITY; AND

(II) THE SALE OF TANGIBLE PERSONAL PROPERTY ON WHICH A SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS PAYABLE WHEN SUCH SALE MEETS THE FOLLOWING CONDITIONS:

(A) THE PURCHASER DOES NOT RESIDE WITHIN THE BOUNDARIES OF THE AUTHORITY OR THE PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE BOUNDARIES OF THE AUTHORITY; AND

(B) THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED OUTSIDE THE BOUNDARIES OF THE AUTHORITY UNDER THE LAWS OF THIS STATE.

(h) SUBJECT TO THE PROVISIONS OF SUBSECTION (9) OF THIS SECTION, TO LEVY, IN ALL OF THE AREA WITHIN THE BOUNDARIES OF THE AUTHORITY, AN AD VALOREM TAX

IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. THE TAX IMPOSED PURSUANT TO THIS PARAGRAPH (h) SHALL BE IN ADDITION TO ANY OTHER AD VALOREM TAX IMPOSED PURSUANT TO LAW. IN ACCORDANCE WITH THE SCHEDULE PRESCRIBED BY SECTION 39-5-128, C.R.S., THE BOARD OF THE AUTHORITY SHALL CERTIFY TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY WITHIN THE AUTHORITY, OR HAVING A PORTION OF ITS TERRITORY WITHIN THE DISTRICT, THE LEVY OF AD VALOREM PROPERTY TAXES IN ORDER THAT, AT THE TIME AND IN THE MANNER REQUIRED BY LAW FOR THE LEVYING OF TAXES, SUCH BOARD OF COUNTY COMMISSIONERS SHALL LEVY SUCH TAX UPON THE VALUATION FOR ASSESSMENT OF ALL TAXABLE PROPERTY WITHIN THE DESIGNATED PORTION OF THE AREA WITHIN THE BOUNDARIES OF THE AUTHORITY. IT IS THE DUTY OF THE BODY HAVING AUTHORITY TO LEVY TAXES WITHIN EACH COUNTY TO LEVY THE TAXES PROVIDED BY THIS SUBSECTION (3). IT IS THE DUTY OF ALL OFFICIALS CHARGED WITH THE DUTY OF COLLECTING TAXES TO COLLECT THE TAXES AT THE TIME AND IN THE FORM AND MANNER AND WITH LIKE INTEREST AND PENALTIES AS OTHER TAXES ARE COLLECTED AND WHEN COLLECTED TO PAY THE SAME TO THE AUTHORITY ORDERING THE LEVY AND COLLECTION. THE PAYMENT OF SUCH COLLECTIONS SHALL BE MADE MONTHLY TO THE AUTHORITY OR PAID INTO THE DEPOSITORY THEREOF TO THE CREDIT OF THE AUTHORITY. ALL TAXES LEVIED UNDER THIS PARAGRAPH (h), TOGETHER WITH INTEREST THEREON AND PENALTIES FOR DEFAULT IN PAYMENT THEREOF, AND ALL COSTS OF COLLECTING THE SAME SHALL CONSTITUTE, UNTIL PAID, A PERPETUAL LIEN ON AND AGAINST THE PROPERTY TAXED, AND THE LIEN SHALL BE ON A PARITY WITH THE TAX LIEN OF OTHER GENERAL TAXES.

(i) TO INCUR DEBTS, LIABILITIES, OR OBLIGATIONS;

(j) TO SUE AND BE SUED IN ITS OWN NAME;

(k) TO HAVE AND USE A CORPORATE SEAL;

(l) TO FIX, MAINTAIN, AND REVISE FEES, RENTS, SECURITY DEPOSITS, AND CHARGES FOR FUNCTIONS, SERVICES, OR FACILITIES PROVIDED BY THE AUTHORITY;

(m) TO ADOPT, BY RESOLUTION, RULES RESPECTING THE EXERCISE OF ITS POWERS AND THE CARRYING OUT OF ITS PURPOSES;

(n) TO EXERCISE ANY OTHER POWERS THAT ARE ESSENTIAL TO THE PROVISION OF FUNCTIONS, SERVICES, OR FACILITIES BY THE AUTHORITY AND THAT ARE SPECIFIED IN THE CONTRACT; AND

(o) TO DO AND PERFORM ANY ACTS AND THINGS AUTHORIZED BY THIS SECTION UNDER, THROUGH, OR BY MEANS OF AN AGENT OR BY CONTRACTS WITH ANY PERSON, FIRM, OR CORPORATION.

(4) THE AUTHORITY ESTABLISHED BY SUCH CONTRACTING MEMBER GOVERNMENTAL UNITS SHALL BE A POLITICAL SUBDIVISION AND A PUBLIC CORPORATION OF THE STATE, SEPARATE FROM THE PARTIES TO THE CONTRACT, AND SHALL BE A VALIDLY CREATED AND EXISTING POLITICAL SUBDIVISION AND PUBLIC CORPORATION OF THE STATE, IRRESPECTIVE OF WHETHER A CONTRACTING MEMBER GOVERNMENTAL UNIT WITHDRAWS, WHETHER VOLUNTARILY, BY OPERATION OF LAW, OR OTHERWISE, FROM THE AUTHORITY SUBSEQUENT TO ITS CREATION UNDER

CIRCUMSTANCES NOT RESULTING IN THE RESCISSION OR TERMINATION OF THE CONTRACT ESTABLISHING SUCH AUTHORITY PURSUANT TO ITS TERMS. IT SHALL HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE. THE AUTHORITY MAY DEPOSIT AND INVEST ITS MONEYS IN THE MANNER PROVIDED IN SECTION 43-4-616, C.R.S.

(5) THE BONDS, NOTES, AND OTHER OBLIGATIONS OF SUCH AUTHORITY SHALL NOT BE THE DEBTS, LIABILITIES, OR OBLIGATIONS OF THE CONTRACTING MEMBER GOVERNMENTAL UNITS.

(6) THE CONTRACTING MEMBER GOVERNMENTAL UNITS MAY PROVIDE IN THE CONTRACT FOR PAYMENT TO THE AUTHORITY OF FUNDS FROM PROPRIETARY REVENUES FOR SERVICES RENDERED OR FACILITIES PROVIDED BY THE AUTHORITY, FROM PROPRIETARY REVENUES OR OTHER PUBLIC FUNDS AS CONTRIBUTIONS TO DEFRAY THE COST OF ANY PURPOSE SET FORTH IN THE CONTRACT, AND FROM PROPRIETARY REVENUES OR OTHER PUBLIC FUNDS AS ADVANCES FOR ANY PURPOSE SUBJECT TO REPAYMENT BY THE AUTHORITY.

(7) THE AUTHORITY MAY ISSUE REVENUE OR GENERAL OBLIGATION BONDS, AS THE TERM "BOND" IS DEFINED IN SECTION 43-4-602 (3), C.R.S., AND MAY PLEDGE ITS REVENUES AND REVENUE-RAISING POWERS FOR THE PAYMENT OF THE BONDS. THE BONDS SHALL BE ISSUED ON THE TERMS AND SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 43-4-609, C.R.S.

(8) THE INCOME OR OTHER REVENUES OF THE AUTHORITY, ALL PROPERTIES AT ANY TIME OWNED BY AN AUTHORITY, ANY BONDS ISSUED BY AN AUTHORITY, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE AUTHORITY ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE.

(9) (a) NO ACTION BY AN AUTHORITY TO ESTABLISH OR INCREASE ANY TAX AUTHORIZED BY THIS SECTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE AUTHORITY IN WHICH THE TAX IS PROPOSED TO BE COLLECTED.

(b) NO ACTION BY AN AUTHORITY CREATING A MULTIPLE-FISCAL YEAR DEBT OR OTHER FINANCIAL OBLIGATION THAT IS SUBJECT TO SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE AUTHORITY.

(c) THE QUESTIONS PROPOSED TO THE REGISTERED ELECTORS UNDER PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (9) SHALL BE SUBMITTED AT A GENERAL ELECTION OR ANY ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR. THE ACTION SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING THEREON AT THE ELECTION VOTE IN FAVOR THEREOF. THE ELECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE AUTHORITY IN CONDUCTING THE ELECTION. THE COST OF THE ELECTION SHALL BE INCURRED BY THE CONTRACTING MEMBER GOVERNMENTAL UNITS THAT HAVE FORMED THE AUTHORITY IN PROPORTION TO THE PERCENTAGE OF THE POPULATION OF THE GOVERNMENTAL UNITS WITHIN THE TERRITORIAL BOUNDARIES OF THE AUTHORITY. NO MONEYS OF THE

AUTHORITY MAY BE USED TO URGE OR OPPOSE PASSAGE OF AN ELECTION REQUIRED UNDER THIS SECTION.

(10) (a) FOR THE PURPOSE OF DETERMINING ANY AUTHORITY'S FISCAL YEAR SPENDING LIMIT UNDER SECTION 20 (7) (b) OF ARTICLE X OF THE STATE CONSTITUTION, THE INITIAL SPENDING BASE OF THE AUTHORITY SHALL BE THE AMOUNT OF REVENUES COLLECTED BY THE AUTHORITY FROM SOURCES NOT EXCLUDED FROM FISCAL YEAR SPENDING PURSUANT TO SECTION 20 (2) (e) OF ARTICLE X OF THE STATE CONSTITUTION DURING THE FIRST FULL FISCAL YEAR FOR WHICH THE AUTHORITY COLLECTED REVENUES.

(b) FOR PURPOSES OF THIS SUBSECTION (10), "FISCAL YEAR" MEANS ANY YEAR-LONG PERIOD USED BY AN AUTHORITY FOR FISCAL ACCOUNTING PURPOSES.

(11) AN AUTHORITY ESTABLISHED BY CONTRACTING MEMBER GOVERNMENTAL UNITS SHALL, IF THE CONTRACT SO PROVIDES, BE THE SUCCESSOR TO ANY NONPROFIT CORPORATION, AGENCY, OR OTHER ENTITY THERETOFORE ORGANIZED BY THE CONTRACTING MEMBER GOVERNMENTAL UNITS TO PROVIDE THE SAME FUNCTION, SERVICE, OR FACILITY, AND THE AUTHORITY SHALL BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES AND SHALL ASSUME ALL THE OBLIGATIONS AND LIABILITIES OF SUCH OTHER ENTITY UNDER EXISTING CONTRACTS TO WHICH SUCH OTHER ENTITY IS A PARTY.

(12) (a) THE AUTHORITY GRANTED PURSUANT TO THIS SECTION SHALL IN NO MANNER LIMIT THE POWERS OF ANY GOVERNMENTAL UNIT TO COOPERATE ON AN INTERGOVERNMENTAL BASIS, TO ENTER INTO ANY CONTRACT WITH ANOTHER GOVERNMENTAL ENTITY, OR TO ESTABLISH A SEPARATE LEGAL ENTITY PURSUANT TO THE PROVISIONS OF SECTION 29-1-203, C.R.S., OR ANY OTHER APPLICABLE LAW, OR OTHERWISE TO CARRY OUT THEIR INDIVIDUAL POWERS UNDER APPLICABLE STATUTORY OR CHARTER PROVISIONS, NOR SHALL SUCH AUTHORITY LIMIT THE POWERS RESERVED TO CITIES AND TOWNS PURSUANT TO THE STATE CONSTITUTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY GOVERNMENTAL UNIT THAT HAS ENTERED INTO A CONTRACT FOR THE PURPOSE OF FORMING AN AUTHORITY MAY FORM SUCH AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION WITHOUT ANY EFFECT ON THE ABILITY OF THE UNIT TO OWN ITS OWN PROPERTY, MAINTAIN A SEPARATE GOVERNING BODY OR BOARD OF TRUSTEES, LEVY ITS OWN TAXES FOR LIBRARY PURPOSES, OR RETAIN ITS OWN IDENTITY.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE ANY ONE OR MORE LIBRARY DISTRICTS TO:

(I) FORM AN AUTHORITY WITHOUT ENTERING INTO A CONTRACT WITH ONE OR MORE GOVERNMENTAL UNITS TO FORM SUCH AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; OR

(II) EXERCISE ANY OF THE POWERS OF SAID AUTHORITY, INCLUDING, WITHOUT LIMITATION, THE POWER TO LEVY A SALES OR USE TAX, IN THE ABSENCE OF ENTERING INTO A CONTRACT WITH ONE OR MORE GOVERNMENTAL UNITS FOR THE PURPOSE OF FORMING SUCH AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

**SECTION 12.** 24-90-112 (1) (a) (III), (1) (a) (IV), (1) (b) (I), (1) (b) (II), (1) (b) (III), (2) (b), and (2) (c), Colorado Revised Statutes, are amended to read:

**24-90-112. Tax support - elections.** (1) (a) (III) ~~The board of trustees of a metropolitan library district is hereby authorized to determine for each governmental entity creating a metropolitan library district the amount of tax that will raise revenue in proportion to the governmental entity's use of the resources of the metropolitan library district. If the electors of the governmental entity approve any levy, the legislative body of the governmental entity is hereby authorized to levy upon real and personal property that amount of tax.~~

(IV) The tax authorized by ~~subparagraph (III) of this paragraph (a)~~ SECTION 24-90-110.7 (3) (f) AND (h) may be levied in addition to any other tax the participating governmental entities levy for the support of their own public libraries.

(b) (I) (A) Except as otherwise provided under sub-subparagraph (B) of this subparagraph (I), the legislative body for the specified governmental unit shall submit, after notice, the question of any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors for the establishment, operation, and maintenance of public libraries to a vote of the registered electors residing in the unit or that portion of a library district within the unit, as the case may be, at the next general election, OR on the ELECTION HELD ON THE first Tuesday in November of odd-numbered years. ~~or on the unit's biennial election date.~~

(B) The board of education of a school district shall submit, after notice, the question of any amount of tax levy not previously established by resolution for the operation and maintenance of school district supported public libraries to a vote of the registered electors residing in the school district at the next general election on the first Tuesday in November of odd-numbered years. ~~or on the school district's biennial election date.~~ For purposes of this subsection (1), "school district supported public library" means any library solely established and maintained by a school district for which such school district began levying a tax before the enactment of the "Colorado Library Law" on July 1, 1979.

(II) ~~If the tax levy for a library district is greater than two and one-half mills, upon any reassessment as required by section 39-1-104 (10.2), C.R.S., the mill levy when applied to the total valuation for assessment of the library district shall be reduced so as to prohibit raising revenue in an amount greater than that which is allowed pursuant to the provisions of part 3 of article 1 of title 29, C.R.S.~~

(III) Notwithstanding the authorization contained in paragraph (a) of this subsection (1) and in addition to the provisions of subparagraph (I) of this paragraph (b), upon request of the board of trustees of the municipal or county library or the library district, or upon resolution of the legislative body of the city or town by its own initiative in the case of a municipal library, of the board of education of the school district by its own initiative in the case of a school district supported public library, or of the board of county commissioners by its own initiative in the case of a county library or library district, the legislative body of the city or town, the board of education of the school district, or the board of county commissioners shall submit to a vote of the registered electors residing within the ~~library~~ LIBRARY'S LEGAL

service area a proposition containing the desired maximum tax levy specified in the request or resolution.

~~(2) (b) If a metropolitan library district has been established, the board of trustees of the metropolitan library district shall appoint one of the treasurers of the governmental units maintaining the metropolitan library district to be the custodian of the moneys for the library, whether derived from taxation, gift, or otherwise. The moneys shall be credited to a special fund in the office of said treasurer to be known as the metropolitan library district fund. The fund shall be used only for library purposes and shall be expended only upon warrants signed by the president of the board of trustees or his designee.~~

(c) If requested by the board of trustees, the treasurer designated as custodian of the library's money pursuant to paragraph (a) ~~or (b)~~ of this subsection (2) may transfer moneys into the custody of the board, but the board shall carry a bond for such purpose, make monthly accountings to said treasurer, and cause an annual audit to be performed and submitted to said treasurer with respect to the board's management of said moneys.

**SECTION 13.** The introductory portion to 24-90-112.5 (1) (a) and 24-90-112.5 (2), (3), and (4), Colorado Revised Statutes, are amended, and the said 24-90-112.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-90-112.5. Issuance of bonds.** (1) (a) Whenever the board of trustees of a library district determines that the interest of the library district and the public interest or necessity requires the creation of a general obligation indebtedness OF THE COUNTY ON BEHALF OF AND IN THE NAME OF THE LIBRARY DISTRICT to finance the acquisition, construction, expansion, or remodeling of any real or personal property for library purposes of such district, including, without limitation, acquisition of books and equipment for such purposes, the board of trustees shall adopt a resolution ~~directing~~ REQUESTING the board of county commissioners of the county in which the library district is located to submit the question of creating such indebtedness at the next general ELECTION or ~~special~~ ON THE election HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS. The resolution of the board of trustees, in addition to the declaration of public interest or necessity, shall recite:

(2) Within twenty days after receipt of ~~such~~ A resolution ADOPTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, the board of county commissioners shall EITHER ADOPT THE RESOLUTION SUBJECT TO MUTUALLY AGREED UPON CHANGES IN THE RESOLUTION OR REJECT THE RESOLUTION. WHERE THE BOARD ADOPTS THE RESOLUTION, IT SHALL order the question of incurring such indebtedness to be submitted, on the date specified in the resolution of the board of trustees, to the registered electors residing in territory within the county which is included in the library district. Such order shall be adopted and the election shall be held and conducted in accordance with section 30-26-301, C.R.S. In its order the board ~~of county commissioners~~ shall specify polling places and precincts for such election, which may be the same as or different than the polling places and precincts established pursuant to the provisions of ~~section 1-6-101, C.R.S.~~ The library district shall pay the expenses incurred by the county in holding a special election pursuant to this section unless such election is combined with a special election to be held by the county for other purposes, in which case the library district shall pay its allocable

~~share of such expenses.~~ SECTION 1-5-101, C.R.S. If, upon canvassing the vote, it appears that a majority of the registered electors voting at such election vote in favor of the proposition to contract said indebtedness, the board of county commissioners ON BEHALF OF AND IN THE NAME OF THE LIBRARY DISTRICT is authorized to and shall contract for said indebtedness.

(2.5)(a) WHENEVER THE BOARD OF TRUSTEES OF A LIBRARY DISTRICT DETERMINES THAT THE INTEREST OF SUCH DISTRICT AND THE PUBLIC INTEREST OR NECESSITY REQUIRES THE CREATION OF A GENERAL OBLIGATION INDEBTEDNESS OF SUCH DISTRICT TO FINANCE THE ACQUISITION, CONSTRUCTION, EXPANSION, OR REMODELING OF ANY REAL OR PERSONAL PROPERTY FOR LIBRARY PURPOSES OF SUCH DISTRICT, INCLUDING, WITHOUT LIMITATION, ACQUISITION OF BOOKS AND EQUIPMENT FOR SUCH PURPOSES, THE BOARD OF TRUSTEES SHALL ADOPT A RESOLUTION TO SUBMIT THE QUESTION OF CREATING SUCH INDEBTEDNESS ON THEIR OWN AUTHORITY AT THE NEXT GENERAL ELECTION OR ON THE ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS. IN ADDITION, AT SUCH ELECTION THE BOARD OF TRUSTEES MAY ALSO SUBMIT SUCH QUESTION TO THE ELECTORS IN THE EVENT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY REJECTS THE RESOLUTION OF THE BOARD OF TRUSTEES UNDER SUBSECTION (2) OF THIS SECTION. IN ADDITION TO RECITING THE DECLARATION OF PUBLIC INTEREST OR NECESSITY, THE RESOLUTION OF THE BOARD OF TRUSTEES SHALL ALSO RECITE:

(I) THE OBJECTS AND PURPOSES FOR WHICH THE INDEBTEDNESS IS PROPOSED TO BE INCURRED;

(II) THE AMOUNT OF INDEBTEDNESS TO BE INCURRED THEREFOR;

(III) THE MAXIMUM NET EFFECTIVE INTEREST RATE TO BE PAID ON SUCH INDEBTEDNESS; AND

(IV) THE QUESTION TO BE SUBMITTED BY THE BOARD TO THE ELECTORS.

(b) THE BOARD OF TRUSTEES OF THE DISTRICT SHALL DELIVER A COPY OF THE RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY WITHIN WHICH THE DISTRICT IS LOCATED.

(c) WITHIN TWENTY DAYS AFTER ADOPTION OF THE RESOLUTION, THE BOARD OF TRUSTEES SHALL ORDER THE QUESTION OF WHETHER THE LIBRARY DISTRICT SHALL INCUR SUCH INDEBTEDNESS TO BE SUBMITTED, ON THE DATE SPECIFIED IN THE RESOLUTION, TO THE REGISTERED ELECTORS RESIDING IN SUCH DISTRICT. THE ORDER SHALL BE ADOPTED, AND THE ELECTION SHALL BE HELD AND CONDUCTED AS PROVIDED IN ARTICLES 1 TO 13 OF TITLE 1, C.R.S. IN ITS RESOLUTION, THE BOARD OF TRUSTEES SHALL SPECIFY POLLING PLACES AND PRECINCTS FOR SUCH ELECTION, WHICH MAY BE THE SAME AS OR DIFFERENT THAN POLLING PLACES AND PRECINCTS ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION 1-5-101, C.R.S. IF, UPON CANVASSING THE VOTE, IT APPEARS THAT A MAJORITY OF THE REGISTERED ELECTORS VOTING AT SUCH ELECTION VOTE IN FAVOR OF THE QUESTION, THE LIBRARY DISTRICT IS AUTHORIZED TO AND SHALL CONTRACT FOR SAID INDEBTEDNESS.

(3)(a) When authorized pursuant to subsection (2) of this section and upon the request of the board of trustees of the library district, the board of county

commissioners shall issue bonds of the county in the manner provided in section 30-26-302, C.R.S., but such bonds may be redeemable prior to maturity at such time, in such manner, and upon payment of such premium as the board of county commissioners may determine. Such bonds shall not be subject to the limitation on county indebtedness set forth in section 30-26-301 (3) or 30-35-201 (6) (b), C.R.S. In the event that territory within a library district is located within more than one county, each board of county commissioners may issue its bonds for the authorized purposes of the library district regardless of whether any or all of the other counties in which the library district is located issue bonds for such purposes, but the bonds of a county issued pursuant to this section shall be payable from ad valorem taxes levied only on that property within such county ~~which~~ THAT is located in the library district.

(b) WHEN AUTHORIZED PURSUANT TO SUBSECTION (2.5) OF THIS SECTION, THE LIBRARY DISTRICT SHALL ISSUE ITS BONDS IN THE MANNER PROVIDED IN SECTION 32-1-1101, C.R.S., BUT THE BONDS MAY BE REDEEMABLE PRIOR TO MATURITY AT SUCH TIME, IN SUCH MANNER, AND UPON PAYMENT OF SUCH PREMIUM AS THE BOARD OF TRUSTEES MAY DETERMINE.

(4) The board of county commissioners ~~is~~ ACTING PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND THE BOARD OF TRUSTEES OF A LIBRARY DISTRICT, ACTING PURSUANT TO SECTION (2.5) OF THIS SECTION, ARE authorized to levy an ad valorem tax on all taxable property EITHER within such county ~~which~~ THAT is located in the library district, OR WITHIN SUCH DISTRICT WHERE THE BOUNDARIES OF SAID DISTRICT COVER MORE THAN ONE COUNTY, AS APPLICABLE, to pay the principal of, redemption premium, if any, and interest on county OR DISTRICT indebtedness incurred pursuant to this section. ~~The limitation on mill levies for library districts provided in section 24-90-112 shall not apply to levies made by the board of county commissioners for the purposes of paying the principal of, redemption premium, if any, and interest on county indebtedness incurred pursuant to this section.~~ The board of county commissioners AND BOARD OF TRUSTEES, in certifying annual levies, shall take into account the maturing indebtedness of such county OR SUCH DISTRICT incurred pursuant to this section for the ensuing year and deficiencies and defaults of prior years and shall make ample provision for the payment thereof. If the moneys produced from such levies, together with other revenues of the county OR DISTRICT available therefor, are not sufficient to pay punctually the annual installments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, the board OF COUNTY COMMISSIONERS OR BOARD OF TRUSTEES, AS APPLICABLE, shall make such additional levies of taxes as may be necessary for such purposes, and such taxes shall be made and continue to be levied until the indebtedness is fully paid.

**SECTION 14.** Part 1 of article 90 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**24-90-113.3. [Formerly 24-90-106 (3)] Contract to receive library service.** In lieu of establishment of a public library, the legislative body of a governmental unit may contract to receive library service from an existing ~~public~~ library, the board of trustees OR GOVERNING BODY of which has the reciprocal power to render the service. Any school district may contract for library service from any existing public library, such service to be paid from funds available to the school district for library purposes.

ANY CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL SPECIFY, WITHOUT LIMITATION, THE GEOGRAPHIC AREA COVERED BY THE CONTRACT, THE AMOUNT OF COMPENSATION TO BE PAID TO THE LIBRARY DELIVERING THE SERVICE, THE TERM OF THE CONTRACT, AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE CONTRACTING PARTIES.

**SECTION 15.** 24-90-114 (1), Colorado Revised Statutes, is amended to read:

**24-90-114. Abolishment of libraries.** (1) A public library, other than a joint library, established, operated, or maintained pursuant to this part 1 may be abolished only by vote of the registered electors in that ~~library~~ LIBRARY'S LEGAL service area, taken in the manner prescribed in section 24-90-107 (3) for a vote to establish a library. If a library is abolished, the materials and equipment belonging to it shall be disposed of as the legislative body of the governmental unit, or in the case of a library district, as the library board of trustees, directs. ~~except that any library which decides to transfer, conditionally or otherwise, all of its property to another library as prescribed in section 24-90-111 (1) shall be abolished by virtue of such transfer.~~

**SECTION 16.** 24-90-115 (1), (2), (3) (a), and (5), Colorado Revised Statutes, are amended to read:

**24-90-115. Regional library service system - governing board.** (1) (a) The board of trustees of any public library, ~~or~~ library district, or the governing board of any publicly-supported library may participate in a regional library service system that provides cooperative services such as resource sharing, consulting, and continuing education under a plan ~~including an organizational structure~~ submitted to the state librarian ~~and approved by the state board of education~~ FOR THE APPROVAL OF SAID LIBRARIAN. ~~The organizational structure of each regional library service system shall include a governing board~~ BYLAWS OF EACH REGIONAL LIBRARY SERVICE SYSTEM SHALL PROVIDE FOR A GOVERNING BOARD CONSISTING SOLELY OF REPRESENTATIVES FROM PUBLICLY-SUPPORTED LIBRARIES THAT ARE MEMBERS OF THE SYSTEM. THE BYLAWS OF A REGIONAL LIBRARY SERVICE SYSTEM MAY PROVIDE FOR MEMBERSHIP IN THE SYSTEM BY LIBRARIES THAT ARE NOT PUBLICLY SUPPORTED. IN SUCH CASE, THE BYLAWS SHALL SPECIFY WHICH SUCH LIBRARIES ARE MEMBERS OF THE SYSTEM AND ANY BENEFITS OF MEMBERSHIP IN THE SYSTEM THAT SHALL ACCRUE TO SUCH LIBRARIES.

(b) The state board of education shall adopt rules and regulations, in accordance with article 4 of this title, relating to the establishment, governance, ~~operation,~~ and ~~withdrawal~~ DISSOLUTION of regional library service systems.

(2) (a) The governing board of a regional library service system shall consist of at least one representative ~~of each of three types~~ FROM ANY THREE OF THE FOLLOWING FOUR TYPES of PUBLICLY-SUPPORTED libraries participating in the system:

- (I) SCHOOLS;
- (II) PUBLIC;
- (III) ACADEMIC; AND

## (IV) SPECIAL.

(b) The governing board OF THE REGIONAL LIBRARY SERVICE SYSTEM shall be ~~appointed~~ ELECTED by a system membership council comprised of one representative of each system member REPRESENTING A PUBLICLY-SUPPORTED LIBRARY.

(3) (a) The governing board of each regional library service system has the right to exercise all powers vested in a board of trustees pursuant to section 24-90-109. ~~except that such a governing board shall not hold or acquire title to land or buildings. The operation of regional library service systems shall be in accordance with rules and regulations established by the state board of education.~~ Nothing pertaining to the organization or operation of a regional library service system shall be construed to infringe upon the autonomy of the board of trustees of a public library or the governing board of any publicly-supported library.

(5) If the need for a regional library service system ceases to exist, the membership council, ~~thereof may~~ IN ITS SOLE DISCRETION, SHALL by a two-thirds vote of its members, declare its intent to dissolve the organization and file with the state library a plan for effecting such dissolution, which shall be carried out upon approval by the state board of education.

**SECTION 17.** 24-90-119 (1) and (3), Colorado Revised Statutes, are amended to read:

**24-90-119. Privacy of user records.** (1) Except as set forth in subsection (2) of this section, a publicly-supported library ~~or library system~~ shall not disclose any record or other information ~~which~~ THAT identifies a person as having requested or obtained specific materials or service or as otherwise having used the library.

(3) Any library ~~or library system~~ official, employee, or volunteer who discloses information in violation of this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.

**SECTION 18.** 24-90-119 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-90-119. Privacy of user records.** (2) Records may be disclosed in the following instances:

(d) TO A CUSTODIAL PARENT OR LEGAL GUARDIAN WHO HAS ACCESS TO A MINOR'S LIBRARY CARD OR ITS AUTHORIZATION NUMBER FOR THE PURPOSE OF ACCESSING BY ELECTRONIC MEANS LIBRARY RECORDS OF THE MINOR.

**SECTION 19.** 24-90-201, Colorado Revised Statutes, is amended to read:

**24-90-201. Establishment of a state publications depository and distribution center.** IN CONSIDERATION OF THE FUNDAMENTAL IMPORTANCE ATTACHED IN OUR CONSTITUTIONAL REPUBLIC TO A WELL-EDUCATED CITIZENRY PARTICIPATING IN OUR DEMOCRATIC PROCESSES THAT UNDERSTANDS THE ACTIVITIES OF ITS STATE GOVERNMENT, AND TO ALLOW THE PEOPLE OF THE STATE TO DRAW BENEFITS FROM INFORMATION DEVELOPED AT PUBLIC EXPENSE, AND TO ENJOY ACCESS TO THE

INFORMATION SERVICES OF STATE AGENCIES, there is hereby established a state publications depository and distribution center. Such center shall be a section of the state library. THE CENTER SHALL ENSURE THAT ALL STATE PUBLICATIONS ARE AVAILABLE TO RESIDENTS OF COLORADO THROUGH A SYSTEM OF DEPOSITORY LIBRARIES. Operation OF THE CENTER is declared to be an essential administrative function of the state government.

**SECTION 20.** 24-90-202 (1) and (4), Colorado Revised Statutes, are amended to read:

**24-90-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Center" means THAT SECTION OF THE STATE LIBRARY RESPONSIBLE FOR the state publications depository and distribution ~~center~~ FUNCTIONS.

(4) "State publication" means any ~~printed or duplicated material~~ INFORMATION FOR PUBLIC DISTRIBUTION, regardless of format, ~~or purpose, which~~ METHOD OF REPRODUCTION, SOURCE, OR COPYRIGHT THAT is produced, purchased for distribution, or authorized, ~~by any state agency, including any document, compilation, journal, law, resolution, bluebook, statute, code, register, contract and grant report, pamphlet, list, microphotographic form, audiovisual material, book, proceedings, report, public memorandum, hearing, legislative bill, leaflet, order, rule, regulation, directory, periodical, magazine, or newsletter~~ WITH THE IMPRINT OF, OR AT THE TOTAL OR PARTIAL EXPENSE OF THE AGENCY, with the exception of correspondence, interoffice memoranda, or those items detailed by section 24-72-204. "STATE PUBLICATION" INCLUDES, WITHOUT LIMITATION, INFORMATION AVAILABLE ELECTRONICALLY BY MEANS OF COMPUTER DISKETTES, COMPACT DISCS, COMPUTER TAPES, OTHER ELECTRONIC STORAGE MEDIA, OR A PUBLIC TELECOMMUNICATIONS NETWORK.

**SECTION 21.** 24-90-203 (1) and (3), Colorado Revised Statutes, are amended to read:

**24-90-203. Purposes - direction - rules.** (1) The purposes of the center are to IDENTIFY, collect, CATALOG, distribute, PRESERVE, and make ~~available to the public~~ state publications, REGARDLESS OF FORMAT, AVAILABLE TO THE PUBLIC. Public access to such publications may be accomplished by use of depository library facilities throughout the state, AND, FOR ELECTRONIC DOCUMENTS, BY MEANS OF A PUBLIC TELECOMMUNICATIONS NETWORK.

(3) The state board of education shall adopt such rules ~~and regulations~~ as are necessary or appropriate to accomplish the provisions of this part 2. No rule ~~or regulation~~ shall deny public access ~~during normal working hours~~ to the state publications enumerated in this part 2.

**SECTION 22.** 24-90-204, Colorado Revised Statutes, is amended to read:

**24-90-204. Deposits of state publications.** (1) Every state agency shall, upon publication, deposit at least four copies of each of its state publications (~~with the exception of audiovisual materials~~) with the center. ~~One copy of each such audiovisual material shall be deposited with the center.~~ The center may require

additional copies of certain state publications to be deposited when designated by the state librarian as being required to fulfill the purposes of this part 2. PUBLICATIONS SHALL BE PROVIDED WITHIN TEN WORKING DAYS OF SUCH PUBLICATION IN THE FOLLOWING MANNER:

(a) IN THE CASE OF ANY PUBLICATIONS PRODUCED IN PRINT, FOUR COPIES OF SAID PUBLICATION SHALL BE DEPOSITED WITH THE CENTER.

(b) IN THE CASE OF ANY PUBLICATION PRODUCED IN ELECTRONIC FORM, INCLUDING THOSE MADE AVAILABLE THROUGH A PUBLIC TELECOMMUNICATIONS NETWORK, AN ELECTRONIC COPY OR NOTIFICATION OF THE PUBLICATION OF SUCH ELECTRONIC COPY SHALL BE DEPOSITED WITH THE CENTER IN A FORM SPECIFIED BY THE CENTER.

**SECTION 23.** 24-90-205, Colorado Revised Statutes, is amended to read:

**24-90-205. Permanent public access to state publications.** ~~Upon request by the state librarian, each state agency shall furnish the center with a complete list of its current state publications.~~ THE CENTER SHALL COORDINATE WITH STATE AGENCIES, DEPOSITORY LIBRARIES, OR OTHER ENTITIES PERMANENT PUBLIC ACCESS TO STATE PUBLICATIONS, REGARDLESS OF FORMAT.

**SECTION 24.** 24-90-207, Colorado Revised Statutes, is amended to read:

**24-90-207. Online catalog of state publications.** The center shall ~~quarterly publish an index to state publications and distribute it to depository libraries and certain other libraries and state agencies as designated by the state librarian.~~ MAINTAIN AN ONLINE CATALOG PROVIDING FREE PUBLIC ACCESS TO RECORDS OF STATE PUBLICATIONS, REGARDLESS OF FORMAT, BY AUTHOR, TITLE, SUBJECT, AND KEY WORD THROUGH A PUBLIC TELECOMMUNICATIONS NETWORK.

**SECTION 25.** 24-90-208, Colorado Revised Statutes, is amended to read:

**24-90-208. State publications distribution.** The center shall distribute state publications, in ~~microfiche,~~ paper, ~~copy~~ ELECTRONIC, or other format where appropriate, to depository libraries. The state librarian may make additional distributions in accordance with agreements with appropriate state agencies.

**SECTION 26.** 24-90-301, Colorado Revised Statutes, is amended to read:

**24-90-301. Legislative declaration.** The general assembly hereby declares that access to information is of utmost importance to the people of the state of Colorado; that people with better access to information have enhanced opportunities to improve the quality of their own lives, their children's lives, and the contributions they make to their communities and the state; and that access to ~~computer~~ ON-LINE information ACCESSED THROUGH LIBRARIES should be equal throughout the state, regardless of place of residence or economic status.

**SECTION 27.** 24-90-302 (1), (2), (4), and (5), Colorado Revised Statutes, are amended, and the said 24-90-302 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-90-302. Colorado virtual library - creation - components - access.**

(1) There is hereby created the Colorado ~~computer information network, hereafter referred to in this part 3 as the "network"~~ VIRTUAL LIBRARY, FORMERLY KNOWN AS THE ACCESS COLORADO LIBRARY AND INFORMATION NETWORK (ACLIN), which shall be a part of the state library system under the charge of the state librarian pursuant to section 24-90-105 (2) (f). FOR PURPOSES OF THIS SECTION, "LIBRARY" SHALL MEAN THE COLORADO VIRTUAL LIBRARY CREATED IN THIS SUBSECTION (1).

(2) ~~The state librarian is hereby authorized to receive any moneys from any source, which shall then be transmitted to the state treasury to be credited to the computer information network fund created in section 24-90-303.~~ THE LIBRARY SHALL PROVIDE ELECTRONIC RESOURCES THROUGH LIBRARIES TO ALL COLORADO RESIDENTS, TO THE STUDENTS, FACULTY, AND STAFF OF INSTITUTIONS OF HIGHER EDUCATION, AND TO THE STUDENTS AND FACULTY OF ELEMENTARY AND SECONDARY SCHOOLS WHEREVER SUCH PERSONS OBTAIN ACCESS TO THE INTERNET, REGARDLESS OF PLACE OF RESIDENCE WITHIN COLORADO OR ECONOMIC STATUS.

(3.5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE LIBRARIAN SHALL PROCURE THROUGH A COMPETITIVE BID PROCESS ON-LINE DATABASES NECESSARY TO PROVIDE ON BEHALF OF ALL PUBLICLY-SUPPORTED LIBRARIES THE INDEXES AND DATABASE PRODUCTS SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION.

(4) Access to the ~~network~~ COLORADO VIRTUAL LIBRARY by any person within the state shall be ~~by local telephone number via a microcomputer and modem, without any additional long distance or other access charges~~ THROUGH THE WORLD WIDE WEB OR SUCCESSIVE TECHNOLOGY.

(5) (a) ~~As~~ THE component parts of the Colorado ~~computer information network, the networks mentioned in this part 3 and any additional networks~~ VIRTUAL LIBRARY DESCRIBED IN SUBSECTION (3) OF THIS SECTION are affected with a public interest.

(b) Accordingly, in the administration of this part 3, the state librarian shall be guided by the principle that information generally provided by libraries, such as library catalogues AND ON-LINE RESOURCES, should be provided free to ~~network~~ LIBRARY users; however, said users may be subject to appropriate charges and fees for specialized services.

(c) Further, the state librarian shall be guided by the principle that direct competition between publicly funded agencies and private firms is to be avoided. Publicly funded agencies that are part of the ~~network~~ LIBRARY established under this part 3 are discouraged from selling at a profit information contributed to them by private firms.

**SECTION 28.** 24-90-302 (3), Colorado Revised Statutes, as it will become effective July 1, 2003, is amended to read:

**24-90-302. Colorado virtual library - creation - components - access.**

(3) ~~The network shall be originally composed of, but not limited to, the following networks: The Colorado alliance for research library network (CARL), a network of libraries on the western slope (MARMOT - not an acronym), and a primarily~~

~~metro Denver network connected with the Colorado state university - Pueblo (IRVING - not an acronym). These and other networks shall be connected using the existing telecommunications available and other access modes to be distributed throughout the state. Any other informational computer networks may be included as a part of the network upon application to the state librarian by the person or persons in charge of such computer networks.~~ THE LIBRARY SHALL HAVE THE FOLLOWING COMPONENTS:

(a) A CONNECTION TO THE ON-LINE CATALOGS OF THE HOLDINGS OF COLORADO LIBRARIES;

(b) A CONNECTION TO LOCALLY PRODUCED DATABASES;

(c) DIGITIZED COLLECTIONS OF COLORADO RESOURCES;

(d) INDEXES AND FULL TEXT DATABASE PRODUCTS SELECTED IN ACCORDANCE WITH SUBSECTION (3.5) OF THIS SECTION TO SERVE THE NEEDS OF THE PEOPLE OF THE STATE;

(e) AN INTERLIBRARY LOAN SYSTEM FACILITATING RESOURCE SHARING THROUGHOUT COLORADO; AND

(f) OTHER SERVICES ASSOCIATED WITH PROVIDING COMPUTER-BASED LIBRARY SERVICES.

**SECTION 29.** Article 90 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 5**  
**LIBRARY CAPITAL FACILITIES DISTRICTS**

**24-90-501. Short title.** THIS PART 5 SHALL BE KNOWN AND MAY BE CITED AS THE "LIBRARY CAPITAL FACILITIES DISTRICTS ACT".

**24-90-502. Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE ORGANIZATION OF LIBRARY CAPITAL FACILITIES DISTRICTS WITHIN LIBRARY DISTRICTS OF THE STATE, HAVING THE PURPOSES AND POWERS PROVIDED IN THIS PART 5, WILL SERVE A PUBLIC PURPOSE, WILL PROMOTE THE HEALTH, SAFETY, PROSPERITY, SECURITY, AND GENERAL WELFARE OF THE RESIDENTS OF SAID LIBRARY DISTRICTS AND FACILITIES DISTRICTS, PROPERTY OWNERS WITHIN SAID LIBRARY DISTRICTS AND FACILITIES DISTRICTS, AND THE PEOPLE OF THE STATE GENERALLY, WILL PROMOTE THE CONTINUED VITALITY OF LIBRARY SERVICES WITHIN LIBRARY DISTRICTS, AND WILL BE OF SPECIAL BENEFIT TO PROPERTY LOCATED WITHIN THE BOUNDARIES OF ANY SUCH FACILITIES DISTRICT CREATED PURSUANT TO THIS PART 5.

**24-90-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE BOARD OF TRUSTEES OF A FACILITIES DISTRICT CREATED PURSUANT TO THIS PART 5.

(2) "FACILITIES DISTRICT" MEANS A LIBRARY CAPITAL FACILITIES DISTRICT ORGANIZED BY A LIBRARY DISTRICT PURSUANT TO THIS PART 5 TO PROVIDE LIBRARY CAPITAL FACILITIES WITHIN A LIBRARY CAPITAL FACILITIES AREA.

(3) "GOVERNING BODY" FOR THE PURPOSES OF THIS PART 5, MEANS THE BOARD OF TRUSTEES OF A LIBRARY DISTRICT FORMING AN AREA PURSUANT TO THIS PART 5.

(4) "LIBRARY CAPITAL FACILITIES" MEANS ANY REAL OR PERSONAL PROPERTY, IMPROVEMENT, OR FACILITY, INCLUDING, WITHOUT LIMITATION, LAND, BUILDINGS, SITE IMPROVEMENTS, EQUIPMENT, FURNISHINGS, OR COLLECTIONS, THAT ARE DIRECTLY RELATED TO ANY SERVICE THAT A LIBRARY DISTRICT IS AUTHORIZED TO PROVIDE, TOGETHER WITH ANY NECESSARY COSTS RELATED TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, OPERATION, OR MAINTENANCE OF SUCH PROPERTY, IMPROVEMENT, OR FACILITY.

(5) "LIBRARY CAPITAL FACILITIES AREA" MEANS THE GEOGRAPHICAL DIVISION WITHIN A LIBRARY DISTRICT THAT IS DESCRIBED IN THE RESOLUTION ESTABLISHING A FACILITIES DISTRICT PURSUANT TO THIS PART 5. NOTWITHSTANDING ANY PROVISION IN THIS SUBSECTION (5) TO THE CONTRARY, THE LIBRARY CAPITAL FACILITY AREA MAY INCLUDE A LOCATION DESIGNATED BY THE LIBRARY DISTRICT, AFTER PUBLIC NOTICE AND HEARING, AS A LOCATION FOR THE SITING OF NEW LIBRARY CAPITAL FACILITIES.

(6) "LIBRARY DISTRICT" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (6).

(7) "NET EFFECTIVE INTEREST RATE" MEANS THE NET INTEREST COST OF SECURITIES DIVIDED BY THE SUM OF THE PRODUCTS DERIVED BY MULTIPLYING THE PRINCIPAL AMOUNT OF THE SECURITIES MATURING ON EACH MATURITY DATE BY THE NUMBER OF YEARS FROM THEIR DATE TO THEIR RESPECTIVE MATURITIES. IN ALL CASES, THE NET EFFECTIVE INTEREST RATE SHALL BE COMPUTED WITHOUT REGARD TO ANY OPTION OF REDEMPTION PRIOR TO THE DESIGNATED MATURITY DATES OF THE SECURITIES.

(8) "NET INTEREST COST" MEANS THE TOTAL AMOUNT OF INTEREST TO ACCRUE ON SECURITIES FROM THEIR DATE TO THEIR RESPECTIVE MATURITIES, LESS THE AMOUNT OF ANY PREMIUM ABOVE PAR, OR PLUS THE AMOUNT OF ANY DISCOUNT BELOW PAR, AT WHICH SAID BONDS ARE BEING OR HAVE BEEN SOLD. IN ALL CASES, THE NET INTEREST COST SHALL BE COMPUTED WITHOUT REGARD TO ANY OPTION OF REDEMPTION PRIOR TO THE DESIGNATED MATURITY DATES OF THE SECURITIES.

**24-90-504. Authority of governing body.** THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT AS THE GOVERNING BODY OF SAID DISTRICT IS HEREBY VESTED WITH JURISDICTION, POWER, AND AUTHORITY TO ESTABLISH ONE OR MORE FACILITIES DISTRICTS WITHIN THE BOUNDARIES OF THE LIBRARY DISTRICT IN WHICH THE LIBRARY CAPITAL FACILITIES ARE TO BE ACQUIRED, CONSTRUCTED, INSTALLED, OPERATED, OR MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5.

**24-90-505. Organization - preliminary resolution.** (1) THE ORGANIZATION OF A FACILITIES DISTRICT SHALL COMMENCE WITH A PRELIMINARY RESOLUTION OF THE BOARD.

(2) THE PRELIMINARY RESOLUTION REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL SPECIFY:

(a) THE NAME OF THE PROPOSED FACILITIES DISTRICT, WHICH SHALL INCLUDE A DESCRIPTIVE NAME OF SUCH DISTRICT ALONG WITH THE WORDS LIBRARY CAPITAL FACILITY DISTRICT;

(b) A GENERAL DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED LIBRARY CAPITAL FACILITIES AREA; AND

(c) A GENERAL DESCRIPTION OF THE LIBRARY CAPITAL FACILITIES TO BE ACQUIRED, CONSTRUCTED, INSTALLED, OPERATED, OR MAINTAINED IN THE PROPOSED LIBRARY CAPITAL FACILITIES AREA BY THE PROPOSED FACILITIES DISTRICT.

**24-90-506. Notice of hearing - disqualification of member of governing body.**

(1) THE GOVERNING BODY, AS SOON AS POSSIBLE AFTER THE ADOPTION OF THE PRELIMINARY RESOLUTION, SHALL FIX BY ORDER THE PLACE AND TIME FOR A PUBLIC HEARING ON THE RESOLUTION, WHICH HEARING SHALL BE HELD NOT LESS THAN TWENTY DAYS OR MORE THAN FORTY DAYS AFTER THE ADOPTION OF THE PRELIMINARY RESOLUTION. THEREUPON, THE GOVERNING BODY SHALL CAUSE NOTICE BY PUBLICATION TO BE MADE OF THE RESOLUTION AND OF THE TIME AND PLACE OF THE HEARING ON THE RESOLUTION. A COPY OF THE NOTICE SHALL BE MAILED TO EACH PROPERTY OWNER WITHIN THE BOUNDARIES OF THE PROPOSED LIBRARY CAPITAL FACILITIES AREA AT THE OWNER'S LAST-KNOWN ADDRESS AS DISCLOSED BY THE TAX RECORDS OF ANY COUNTY IN WHICH THE LIBRARY DISTRICT IS LOCATED.

(2) NO MEMBER OF THE GOVERNING BODY SHALL BE DISQUALIFIED FROM PERFORMING ANY DUTY IMPOSED BY THIS PART 5 BY REASON OF DIRECT OR INDIRECT OWNERSHIP OF PROPERTY WITHIN THE BOUNDARIES OF ANY PROPOSED LIBRARY CAPITAL FACILITIES AREA, BY REASON OF RELATIONSHIP TO ANY PERSON WHO OWNS PROPERTY WITHIN THE PROPOSED LIBRARY CAPITAL FACILITIES AREA, OR BY REASON OF OWNERSHIP OF, OR EMPLOYMENT WITH, ANY ENTITY THAT OWNS PROPERTY WITHIN THE BOUNDARIES OF THE PROPOSED LIBRARY CAPITAL FACILITIES AREA.

**24-90-507. Hearing - resolution - when action barred.** (1) ON THE DATE FIXED FOR THE HEARING DESCRIBED IN SECTION 24-90-506 OR AT ANY ADJOURNMENT OF THE HEARING, THE GOVERNING BODY SHALL ASCERTAIN, FROM THE TAX ROLLS OF ANY COUNTY IN WHICH THE LIBRARY DISTRICT IS LOCATED, THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY LOCATED WITHIN THE PROPOSED LIBRARY CAPITAL FACILITIES AREA.

(2) UPON THE CONCLUSION OF THE HEARING REQUIRED BY SECTION 24-90-506, IF IT APPEARS THAT THE LIBRARY CAPITAL FACILITIES SPECIFIED IN THE PRELIMINARY RESOLUTION PURSUANT TO SECTION 24-90-505 (2) (c) ARE OF THE TYPE AND KIND OF LIBRARY CAPITAL FACILITIES THAT SATISFY THE PURPOSES OF THIS PART 5, THE GOVERNING BODY:

(a) SHALL BY ADOPTION OF A RESOLUTION:

(1) ADJUDICATE ALL QUESTIONS OF JURISDICTION;

(II) DESIGNATE THE BOUNDARIES OF THE FACILITIES DISTRICT PURSUANT TO SECTION 24-90-505 (2) (b);

(III) AFFIX A NAME TO THE FACILITIES DISTRICT THAT SHALL BE THE NAME AS IS SPECIFIED IN THE PRELIMINARY RESOLUTION PURSUANT TO SECTION 24-90-505 (2) (a) AND BY WHICH, IN ALL SUBSEQUENT PROCEEDINGS, THE FACILITIES DISTRICT SHALL THEREAFTER BE KNOWN; AND

(IV) SPECIFY THAT THE FACILITIES DISTRICT SHALL HAVE THE POWER TO LEVY AD VALOREM TAXES IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-90-511.

(b) MAY ORDER THAT THE QUESTION OF THE ORGANIZATION OF THE FACILITIES DISTRICT AND OTHER MATTERS AS THE GOVERNING BODY DEEMS APPROPRIATE, INCLUDING, WITHOUT LIMITATION, THE ISSUANCE OF BONDS OR OTHER MATTERS FOR WHICH VOTER APPROVAL IS REQUIRED UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, BE SUBMITTED TO THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED FACILITIES DISTRICT AT AN ELECTION TO BE HELD FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S. UNLESS OTHERWISE PROVIDED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SUCH ELECTION MAY BE HELD IN CONJUNCTION WITH A GENERAL ELECTION OR ON THE ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS.

(3) AT AN ELECTION HELD UNDER PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED FACILITIES DISTRICT SHALL VOTE FOR OR AGAINST THE ORGANIZATION OF SUCH DISTRICT AND SUCH OTHER MATTERS AS THE GOVERNING BODY MAY DEEM APPROPRIATE, INCLUDING, WITHOUT LIMITATION, THE ISSUANCE OF BONDS OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT OR OTHER MATTERS FOR WHICH VOTER APPROVAL IS REQUIRED UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IF, UPON CANVASSING THE VOTE, IT APPEARS THAT A MAJORITY OF THE REGISTERED ELECTORS VOTING AT SUCH ELECTION VOTE IN FAVOR OF THE ORGANIZATION OF THE FACILITIES DISTRICT, THE GOVERNING BODY SHALL ADOPT A RESOLUTION DECLARING THE FACILITIES DISTRICT ORGANIZED.

(4) IF A RESOLUTION IS ADOPTED ESTABLISHING THE FACILITIES DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, THE RESOLUTION SHALL FINALLY AND CONCLUSIVELY ESTABLISH THE REGULAR ORGANIZATION OF THE FACILITIES DISTRICT AGAINST ALL PERSONS UNLESS AN ACTION, INCLUDING AN ACTION FOR CERTIORARI REVIEW, ATTACKING THE VALIDITY OF THE FACILITIES DISTRICT IS COMMENCED IN A COURT OF COMPETENT JURISDICTION WITHIN THIRTY DAYS AFTER THE ADOPTION OF THE RESOLUTION. THEREAFTER, ANY SUCH ACTION SHALL BE PERPETUALLY BARRED. THE ORGANIZATION OF THE FACILITIES DISTRICT SHALL NOT BE DIRECTLY OR COLLATERALLY QUESTIONED IN ANY SUIT, ACTION, OR PROCEEDING.

**24-90-508. Recording of resolution establishing area.** WITHIN THIRTY DAYS AFTER THE FACILITIES DISTRICT HAS BEEN DECLARED DULY ORGANIZED, THE SECRETARY OF THE GOVERNING BODY SHALL TRANSMIT FOR RECORDING TO THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE FACILITIES DISTRICT OR A PART OF THE FACILITIES DISTRICT EXTENDS A COPY OF THE RESOLUTION OF THE

GOVERNING BODY ESTABLISHING THE FACILITIES DISTRICT PURSUANT TO SECTION 24-90-507 (4).

**24-90-509. Governing body - meetings.** (1) THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT THAT CREATES THE FACILITIES DISTRICT, AS THE GOVERNING BODY OF SAID DISTRICT, SHALL CONSTITUTE EX OFFICIO THE BOARD OF THE FACILITIES DISTRICT. THE PRESIDING OFFICER OF THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT SHALL BE EX OFFICIO THE PRESIDING OFFICER OF THE BOARD OF THE FACILITIES DISTRICT, THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT SHALL BE EX OFFICIO THE SECRETARY OF THE BOARD OF THE FACILITIES DISTRICT, AND THE TREASURER OF THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT SHALL BE EX OFFICIO THE TREASURER OF THE BOARD OF THE FACILITIES DISTRICT. THE SECRETARY AND THE TREASURER MAY BE ONE PERSON. THE BOARD OF THE FACILITIES DISTRICT SHALL ADOPT A SEAL. THE SECRETARY SHALL KEEP, IN A WELL-BOUND BOOK, A RECORD OF ALL ITS PROCEEDINGS, MINUTES OF ALL MEETINGS, CERTIFICATES, CONTRACTS, AND ALL CORPORATE ACTS, WHICH SHALL BE OPEN TO INSPECTION OF ALL OWNERS OF PROPERTY IN THE FACILITIES DISTRICT AS WELL AS TO ALL OTHER INTERESTED PARTIES. THE TREASURER SHALL KEEP PERMANENT RECORDS CONTAINING ACCURATE ACCOUNTS OF ALL MONEY RECEIVED BY AND DISBURSED FOR AND ON BEHALF OF THE AREA.

(2) THE BOARD SHALL HOLD MEETINGS, ON NOTICE TO EACH MEMBER OF THE BOARD, WHICH SHALL BE OPEN TO THE PUBLIC IN A PLACE TO BE DESIGNATED BY THE BOARD AS OFTEN AS THE NEEDS OF THE FACILITIES DISTRICT REQUIRE. A QUORUM OF THE GOVERNING BODY SHALL CONSTITUTE A QUORUM AT ANY MEETING.

**24-90-510. General powers of facilities district.** (1) THE FACILITIES DISTRICT HAS THE FOLLOWING LIMITED POWERS:

(a) TO HAVE PERPETUAL EXISTENCE;

(b) TO HAVE AND USE A CORPORATE SEAL;

(c) TO SUE AND BE SUED AND BE A PARTY TO SUITS, ACTIONS, AND PROCEEDINGS;

(d) TO ENTER INTO CONTRACTS AND AGREEMENTS, EXCEPT AS OTHERWISE PROVIDED IN THIS PART 5, AFFECTING THE AFFAIRS OF THE FACILITIES DISTRICT, INCLUDING CONTRACTS WITH THE UNITED STATES AND ANY OF ITS AGENCIES OR INSTRUMENTALITIES. EXCEPT IN CASES IN WHICH A FACILITIES DISTRICT RECEIVES AID FROM AN AGENCY OF THE FEDERAL GOVERNMENT, A NOTICE SHALL BE PUBLISHED FOR BIDS ON ALL CONSTRUCTION CONTRACTS FOR WORK OR MATERIAL OR BOTH INVOLVING AN EXPENSE OF ONE THOUSAND DOLLARS OR MORE. THE FACILITIES DISTRICT MAY REJECT ANY AND ALL BIDS, AND, IF IT APPEARS THAT THE FACILITIES DISTRICT CAN PERFORM THE WORK OR SECURE MATERIAL FOR LESS THAN THE LOWEST BID, IT MAY PROCEED TO DO SO.

(e) TO BORROW MONEY AND INCUR GENERAL OBLIGATION INDEBTEDNESS AND EVIDENCE THE SAME BY BONDS, CERTIFICATES, WARRANTS, NOTES, AND DEBENTURES IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 5;

(f) TO ACQUIRE, FINANCE, CONSTRUCT, INSTALL, OPERATE, AND MAINTAIN THE

LIBRARY CAPITAL FACILITIES CONTEMPLATED BY THIS PART 5, INCLUDING, ALL PROPERTY, RIGHTS, OR INTERESTS INCIDENTAL OR APPURTENANT THERETO AND TO DISPOSE OF REAL AND PERSONAL PROPERTY AND ANY INTEREST THEREIN, INCLUDING LEASES AND EASEMENTS IN CONNECTION THEREWITH;

(g) TO REFUND ANY GENERAL OBLIGATION INDEBTEDNESS OF THE FACILITIES DISTRICT WITHOUT AN ELECTION; OTHERWISE, THE TERMS AND CONDITIONS OF REFUNDING BONDS SHALL BE SUBSTANTIALLY THE SAME AS THOSE OF AN ORIGINAL ISSUE OF BONDS OF THE FACILITIES DISTRICT;

(h) TO HAVE THE MANAGEMENT, CONTROL, AND SUPERVISION OF ALL THE BUSINESS AND AFFAIRS OF THE FACILITIES DISTRICT AND OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE FACILITIES DISTRICT'S LIBRARY CAPITAL FACILITIES;

(i) TO ADOPT AND AMEND BYLAWS NOT IN CONFLICT WITH THE CONSTITUTION AND LAWS OF THE STATE OR WITH THE ORDINANCES OF THE COUNTY OR MUNICIPALITY AFFECTED FOR CARRYING ON THE BUSINESS, OBJECTS, AND AFFAIRS OF THE GOVERNING BODY AND OF THE FACILITIES DISTRICT;

(j) TO EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN THIS PART 5. SUCH SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS PART 5.

(k) TO CONDUCT AN ELECTION IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1, C.R.S., FOR ANY PURPOSE THE BOARD DEEMS NECESSARY OR REQUIRED.

**24-90-511. Power to levy taxes.** SUBJECT TO THE REQUIREMENTS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION, IN ADDITION TO ANY OTHER MEANS OF PROVIDING REVENUE FOR A FACILITIES DISTRICT, THE BOARD HAS THE POWER TO LEVY AND COLLECT AD VALOREM TAXES ON AND AGAINST ALL TAXABLE PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE FACILITIES DISTRICT. THE RATE OF LEVY TO BE SUBMITTED TO THE REGISTERED ELECTORS FOR THEIR APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, OR, IF SUCH RATE IS UNLIMITED, SHALL BE SPECIFIED IN THE RESOLUTION CREATING THE FACILITIES DISTRICT PURSUANT TO SECTION 24-90-507.

**24-90-512. Determining and fixing rate of levy.** THE GOVERNING BODY SHALL DETERMINE THE AMOUNT OF MONEYS NECESSARY TO BE RAISED BY A LEVY ON THE TAXABLE PROPERTY LOCATED WITHIN THE FACILITIES DISTRICT, TAKING INTO CONSIDERATION OTHER SOURCES OF REVENUE OF THE LIBRARY DISTRICT AND THE FACILITIES DISTRICT, AND SHALL FIX A RATE OF LEVY THAT, WHEN LEVIED UPON EVERY DOLLAR OF THE VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY WITHIN THE FACILITIES DISTRICT TOGETHER WITH OTHER REVENUES, SHALL RAISE THE AMOUNT REQUIRED BY THE LIBRARY DISTRICT AND THE FACILITIES DISTRICT DURING THE ENSUING FISCAL YEAR TO SUPPLY FUNDS FOR PAYING EXPENSES OF ORGANIZATION AND THE COSTS OF ACQUIRING, FINANCING, CONSTRUCTING, INSTALLING, OPERATING, OR MAINTAINING THE LIBRARY CAPITAL FACILITIES AND PROMPTLY TO PAY IN FULL WHEN DUE ALL INTEREST ON AND PRINCIPAL OF GENERAL OBLIGATION BONDS, INDEBTEDNESS, AND OTHER OBLIGATIONS ISSUED BY THE

LIBRARY DISTRICT OR THE FACILITIES DISTRICT FOR THE LIBRARY CAPITAL FACILITIES LOCATED WITHIN THE FACILITIES DISTRICT. IN THE EVENT OF ACCRUING DEFAULTS OR DEFICIENCIES, ADDITIONAL LEVIES MAY BE MADE AS PROVIDED IN SECTION 24-90-513. IN ACCORDANCE WITH THE TIME SCHEDULE PROVIDED IN SECTION 39-5-128, C.R.S., THE GOVERNING BODY SHALL CERTIFY TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY IN WHICH THE FACILITIES DISTRICT OR A PORTION OF THE FACILITIES DISTRICT LIES THE RATE SO FIXED IN ORDER THAT, AT THE TIME AND IN THE MANNER REQUIRED BY LAW FOR THE LEVYING OF TAXES, SUCH BOARD OF COUNTY COMMISSIONERS SHALL LEVY SUCH TAX UPON THE VALUATION FOR ASSESSMENT OF ALL TAXABLE PROPERTY WITHIN THE FACILITIES DISTRICT.

**24-90-513. Levies to cover deficiencies.** THE GOVERNING BODY, IN CERTIFYING ANNUAL LEVIES, SHALL TAKE INTO ACCOUNT THE MATURING INDEBTEDNESS FOR THE CURRENT AND ENSUING YEAR AS PROVIDED IN ITS CONTRACTS, MATURING BONDS, AND INTEREST ON BONDS AND THE DEFICIENCIES AND DEFAULTS OF PRIOR YEARS AND SHALL MAKE AMPLE PROVISIONS FOR THE PAYMENT THEREOF. IN CASE THE MONEYS PRODUCED FROM SUCH LEVIES, TOGETHER WITH OTHER REVENUES OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT, ARE NOT SUFFICIENT TO PAY PUNCTUALLY THE ANNUAL INSTALLMENTS ON ITS CONTRACTS OR BONDS AND INTEREST THEREON AND TO PAY DEFAULTS AND DEFICIENCIES, THE GOVERNING BODY, FROM YEAR TO YEAR, SHALL MAKE SUCH ADDITIONAL LEVIES OF TAXES AS MAY BE NECESSARY FOR SUCH PURPOSES, AND, NOTWITHSTANDING ANY LIMITATIONS, SUCH TAXES SHALL BE LEVIED AND SHALL CONTINUE TO BE LEVIED UNTIL THE INDEBTEDNESS OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT IS FULLY PAID.

**24-90-514. County officers to levy and collect taxes - lien.** IT IS THE DUTY OF THE BODY HAVING AUTHORITY TO LEVY TAXES WITHIN SUCH COUNTY TO LEVY THE TAXES CERTIFIED TO IT AS PROVIDED IN THIS PART 5. IT IS THE DUTY OF ALL OFFICIALS CHARGED WITH THE DUTY OF COLLECTING TAXES TO COLLECT AND ENFORCE SUCH TAXES AT THE TIME AND IN THE FORM AND MANNER AND WITH LIKE INTEREST AND PENALTIES AS OTHER TAXES ARE COLLECTED AND, WHEN COLLECTED, TO PAY THE SAME TO THE LIBRARY DISTRICT OR FACILITIES DISTRICT ORDERING ITS LEVY AND COLLECTION. THE PAYMENT OF SUCH COLLECTIONS SHALL BE MADE MONTHLY TO THE TREASURER OF THE LIBRARY DISTRICT AND PAID INTO THE DEPOSITORY THEREOF TO THE CREDIT OF THE FACILITIES DISTRICT. ALL TAXES LEVIED UNDER THIS PART 5, TOGETHER WITH INTEREST THEREON AND PENALTIES FOR DEFAULT IN PAYMENT THEREOF, AND ALL COSTS OF COLLECTING THE SAME SHALL CONSTITUTE A LIEN, UNTIL PAID, ON AND AGAINST THE PROPERTY TAXED, AND SUCH LIEN SHALL BE A LIEN AS FOR ALL OTHER GENERAL TAXES.

**24-90-515. Property sold for taxes.** THE TAXES PROVIDED FOR IN THIS PART 5 SHALL BE INCLUDED AS A PART OF GENERAL AD VALOREM TAXES AND SHALL BE PAID AND COLLECTED ACCORDINGLY. THE SALE OF PROPERTIES FOR DELINQUENCIES SHALL BE CONDUCTED IN THE MANNER PROVIDED BY THE STATUTES OF THIS STATE FOR SELLING PROPERTY FOR NONPAYMENT OF OTHER AD VALOREM TAXES.

**24-90-516. Governing body can issue bonds - form.** TO CARRY OUT THE PURPOSES OF THIS PART 5, THE GOVERNING BODY IS HEREBY AUTHORIZED TO ISSUE BONDS OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, INSTALLATION, OPERATION, OR MAINTENANCE OF LIBRARY CAPITAL FACILITIES WITHIN THE FACILITIES DISTRICT. THE

BONDS SHALL BEAR INTEREST AT A RATE SUCH THAT THE NET EFFECTIVE INTEREST RATE OF THE ISSUE OF BONDS DOES NOT EXCEED THE MAXIMUM NET EFFECTIVE INTEREST RATE AUTHORIZED, PAYABLE AT SUCH TIMES AS DETERMINED BY THE GOVERNING BODY, AND SHALL BE DUE AND PAYABLE IN INSTALLMENTS AT SUCH TIMES AS DETERMINED BY THE GOVERNING BODY EXTENDING NOT MORE THAN THIRTY YEARS FROM THE DATE OF ISSUANCE. THE FORM AND TERMS OF THE BONDS, INCLUDING PROVISIONS FOR THEIR SALE, PAYMENT, AND REDEMPTION, SHALL BE DETERMINED BY THE GOVERNING BODY. IF THE BONDS ARE PAYABLE FROM THE GENERAL AD VALOREM TAXES LEVIED ON PROPERTY LOCATED WITHIN THE FACILITIES DISTRICT, THE BONDS SHALL NOT BE ISSUED UNLESS FIRST APPROVED AT AN ELECTION HELD FOR THAT PURPOSE PURSUANT TO SECTION 24-90-507 (3). IF THE GOVERNING BODY SO DETERMINES, BONDS ISSUED PURSUANT TO THIS SECTION MAY BE REDEEMABLE PRIOR TO MATURITY, WITH OR WITHOUT PAYMENT OF A PREMIUM, BUT NO PREMIUM SHALL EXCEED THREE PERCENT OF THE PRINCIPAL THEREOF. THE BONDS SHALL BE EXECUTED IN THE NAME OF THE LIBRARY DISTRICT OR THE FACILITIES DISTRICT AND SIGNED BY THE PRESIDING OFFICER OF THE GOVERNING BODY WITH THE SEAL OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT AFFIXED THERETO AND ATTESTED BY THE SECRETARY OF THE GOVERNING BODY. THE BONDS SHALL BE IN SUCH DENOMINATIONS AS THE GOVERNING BODY SHALL DETERMINE. UNDER NO CIRCUMSTANCES SHALL ANY OF THE BONDS BE HELD TO BE AN INDEBTEDNESS, OBLIGATION, OR LIABILITY OF THE MUNICIPALITIES OR COUNTIES IN WHICH THE AREA IS LOCATED, AND BONDS ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 5 SHALL CONTAIN A STATEMENT TO THAT EFFECT.

**24-90-517. Dissolution procedures.** ANY FACILITIES DISTRICT ORGANIZED PURSUANT TO THIS PART 5 MAY BE DISSOLVED AFTER NOTICE IS GIVEN, PUBLICATION IS MADE, AND A HEARING IS HELD IN THE MANNER PRESCRIBED BY SECTIONS 24-90-506 AND 24-90-507. THE DISSOLUTION SHALL BE COMMENCED WITH A FILING BY THE GOVERNING BODY WITH THE CLERK OR SECRETARY OF THE GOVERNING BODY OF A RESOLUTION OF THE GOVERNING BODY APPROVING THE DISSOLUTION. AFTER HEARING ANY PROTEST AGAINST OR OBJECTION TO THE DISSOLUTION, AND IF THE GOVERNING BODY DETERMINES THAT IT IS FOR THE BEST INTERESTS OF ALL CONCERNED TO DISSOLVE THE FACILITIES DISTRICT, THE GOVERNING BODY SHALL SO PROVIDE BY AN EFFECTIVE RESOLUTION, A CERTIFIED COPY OF WHICH SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE FACILITIES DISTRICT OR ANY PART OF THE FACILITIES DISTRICT IS LOCATED. UPON THE FILING, THE DISSOLUTION SHALL BE COMPLETE. HOWEVER, NO FACILITIES DISTRICT SHALL BE DISSOLVED UNTIL IT HAS SATISFIED OR PAID IN FULL ALL OUTSTANDING INDEBTEDNESS, OBLIGATIONS, AND LIABILITIES ISSUED TO PROVIDE LIBRARY CAPITAL FACILITIES OR UNTIL FUNDS ARE ON DEPOSIT AND AVAILABLE THEREFOR.

**24-90-518. Exemption from taxation - securities laws.** THE INCOME OR OTHER REVENUES OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT, ANY PROPERTY OWNED BY THE LIBRARY DISTRICT OR FACILITIES DISTRICT, ANY BONDS ISSUED BY THE LIBRARY DISTRICT OR FACILITIES DISTRICT, AND THE TRANSFER OF AND ANY INCOME FROM ANY BONDS ISSUED BY THE LIBRARY DISTRICT OR FACILITIES DISTRICT SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS BY THE STATE.

**24-90-519. Limitation of actions.** ANY LEGAL OR EQUITABLE ACTION BROUGHT WITH RESPECT TO ANY ACTS OR PROCEEDINGS OF THE LIBRARY DISTRICT OR FACILITIES DISTRICT, THE CREATION OF A FACILITIES DISTRICT, THE AUTHORIZATION OR ISSUANCE

OF ANY BONDS, OR ANY OTHER ACTION TAKEN UNDER THIS PART 5 SHALL BE COMMENCED WITHIN THIRTY DAYS AFTER THE PERFORMANCE OF SUCH ACTION OR ELSE SHALL BE THEREAFTER PERPETUALLY BARRED.

**SECTION 30.** 29-2-108 (3), Colorado Revised Statutes, is amended to read:

**29-2-108. Limitation on amount.** (3) Any tax imposed pursuant to ~~sections 29-1-204.5 (3) (f.1), 30-11-107.5, and 30-11-107.7~~, SECTIONS 24-90-110.7 (3) (f), 29-1-204.5 (3) (f.1), 30-11-107.5, AND 30-11-107.7, C.R.S., and the additional tax authorized by section 30-20-604.5, C.R.S., if imposed, shall be exempt from the six and ninety one-hundredths percent limitation imposed by subsection (1) of this section.

**SECTION 31.** Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 87**  
**Children's Internet Protection**

**22-87-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CHILDREN'S INTERNET PROTECTION ACT".

**22-87-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) USE OF THE INTERNET IN THE PUBLIC SCHOOLS OF THE STATE PROVIDES AN EXTRAORDINARY, UNIQUE, AND UNPARALLELED EDUCATIONAL RESOURCE.

(b) REASONABLE MEASURES MUST BE ADOPTED AND IMPLEMENTED TO PROTECT THE CHILDREN WHO USE INTERNET SERVICES IN PUBLIC SCHOOLS FROM ACCESS TO MATERIAL THAT IS HARMFUL TO THEIR BENEFICIAL DEVELOPMENT AS RESPONSIBLE ADULTS AND CITIZENS.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY BY ENACTING THIS ARTICLE THAT PUBLIC SCHOOLS BE REQUIRED TO ADOPT AND ENFORCE REASONABLE POLICIES OF INTERNET SAFETY THAT WILL PROTECT CHILDREN FROM ACCESS TO HARMFUL MATERIAL WITHOUT COMPROMISING EITHER THE USE OF THE INTERNET AS AN EDUCATIONAL RESOURCE OR RESPONSIBLE ADULT USE OF INTERNET SERVICES IN SUCH SCHOOLS.

(3) THE GENERAL ASSEMBLY FAVORS THE ADOPTION BY PUBLIC LIBRARIES ACROSS THE STATE OF POLICIES FOR CHILDREN'S INTERNET PROTECTION THAT MIRROR THE POLICIES FOR PUBLIC SCHOOLS REQUIRED TO BE ADOPTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE. RECOGNIZING THAT LIMITED STATE RESOURCES AS OF THE EFFECTIVE DATE OF THIS ARTICLE PRECLUDE AN APPROPRIATION TO EXPAND THE REQUIREMENTS OF THIS ARTICLE TO INCLUDE PUBLIC LIBRARIES, THE GENERAL ASSEMBLY URGES PUBLIC LIBRARIES TO, AND HOPES SUCH LIBRARIES WILL, ADOPT THE POLICIES SPECIFIED IN THIS ARTICLE ON THEIR OWN INITIATIVE.

**22-87-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESS TO THE INTERNET" MEANS, WITH REFERENCE TO A PARTICULAR COMPUTER, THAT THE COMPUTER IS EQUIPPED WITH A MODEM OR IS CONNECTED TO A COMPUTER NETWORK THAT PROVIDES ACCESS TO THE INTERNET.

(2) "COMPUTER" INCLUDES ANY HARDWARE, SOFTWARE, OR OTHER TECHNOLOGY ATTACHED OR CONNECTED TO, INSTALLED IN, OR OTHERWISE USED IN CONNECTION WITH A COMPUTER.

(3) "DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT ORGANIZED UNDER THE LAWS OF COLORADO, EXCEPT A JUNIOR COLLEGE DISTRICT.

(4) "HARMFUL TO MINORS" MEANS ANY PICTURE, IMAGE, GRAPHIC IMAGE FILE, OR OTHER VISUAL DEPICTION THAT:

(a) TAKEN AS A WHOLE AND WITH RESPECT TO MINORS, APPEALS TO A PRURIENT INTEREST IN NUDITY, SEX, OR EXCRETION;

(b) DEPICTS, DESCRIBES, OR REPRESENTS, IN A PATENTLY OFFENSIVE WAY WITH RESPECT TO WHAT IS SUITABLE FOR MINORS, AN ACTUAL OR SIMULATED SEXUAL ACT OR SEXUAL CONTACT, ACTUAL OR SIMULATED NORMAL OR PERVERTED SEXUAL ACTS, OR A LEWD EXHIBITION OF THE GENITALS; AND

(c) TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE AS TO MINORS.

(5) "MINOR" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF SEVENTEEN.

(6) "SEXUAL ACT" OR "SEXUAL CONTACT" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN 18 U.S.C. SEC. 2246 (2) AND (3).

(7) "TECHNOLOGY PROTECTION MEASURE" MEANS A SPECIFIC TECHNOLOGY, INCLUDING WITHOUT LIMITATION, COMPUTER SOFTWARE THAT BLOCKS OR FILTERS ACCESS TO THE INTERNET TO VISUAL DEPICTIONS THAT ARE:

(a) OBSCENE, AS DEFINED IN SECTION 18-7-101, C.R.S.;

(b) CHILD PORNOGRAPHY, AS DEFINED IN 18 U.S.C. SEC. 2256 (8); OR

(c) HARMFUL TO MINORS.

**22-87-104. Adoption and enforcement of policy of internet safety for minors including technology protection measures - public schools.** (1) NO LATER THAN DECEMBER 31, 2003, THE GOVERNING BODY OF EACH DISTRICT SHALL ADOPT AND IMPLEMENT A POLICY OF INTERNET SAFETY FOR MINORS THAT INCLUDES THE OPERATION OF A TECHNOLOGY PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY THE DISTRICT THAT ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.

(2) AFTER THE ADOPTION AND IMPLEMENTATION OF THE POLICY OF INTERNET SAFETY REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE GOVERNING BODY OF EACH DISTRICT SHALL CONTINUE TO ENFORCE THE POLICY AND THE OPERATION OF THE

TECHNOLOGY PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY THE DISTRICT THAT ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.

**22-87-105. Temporary disabling of technology protection measure.** (1) AN ADMINISTRATOR, SUPERVISOR, OR ANY OTHER PERSON AUTHORIZED BY THE DISTRICT TO ENFORCE THE OPERATION OF THE TECHNOLOGY PROTECTION MEASURE ADOPTED AND IMPLEMENTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-87-104 MAY TEMPORARILY DISABLE THE TECHNOLOGY PROTECTION MEASURE TO ENABLE ACCESS TO THE INTERNET ON A PARTICULAR COMPUTER BY:

(a) AN ADULT FOR BONA FIDE RESEARCH OR OTHER LAWFUL PURPOSES; OR

(b) A MINOR FOR BONA FIDE RESEARCH OR OTHER LAWFUL PURPOSES WHERE THE INTERNET USE IN CONNECTION WITH THE RESEARCH OR OTHER LAWFUL PURPOSE IS SUPERVISED BY AN ADMINISTRATOR, SUPERVISOR, OR OTHER PERSON AUTHORIZED BY THE DISTRICT TO PERFORM SUCH FUNCTION.

**22-87-106. No restrictions on blocking access to the internet of other material.** NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A LOCAL BOARD OF EDUCATION, OR AN ELEMENTARY OR SECONDARY SCHOOL, FROM BLOCKING ACCESS TO THE INTERNET ON COMPUTERS OWNED OR OPERATED BY THAT BOARD OR SCHOOL TO MATERIAL OTHER THAN THE MATERIAL FOR WHICH A TECHNOLOGY PROTECTION MEASURE IS EXPLICITLY REQUIRED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

**22-87-107. No effect on library maintained by postsecondary educational institution - no requirement of additional action for public schools already in compliance.** (1) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO APPLY TO ANY LIBRARY FACILITY MAINTAINED BY ANY POSTSECONDARY EDUCATIONAL INSTITUTION. FOR PURPOSES OF THIS SUBSECTION (1), "POSTSECONDARY" SHALL HAVE THE SAME MEANING AS IS PROVIDED IN SECTION 23-1-119 (4), C.R.S.

(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE ANY ADDITIONAL ACTION ON THE PART OF ANY SCHOOL DISTRICT THAT IS ALREADY IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AS OF JULY 1, 2003.

**SECTION 32.** 22-2-117 (1) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**22-2-117. Additional power - state board - waiver of requirements - rules.**

(1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(IV) THE "CHILDREN'S INTERNET PROTECTION ACT", ARTICLE 87 OF THIS TITLE.

**SECTION 33.** 22-30.5-104 (6), Colorado Revised Statutes, is amended to read:

**22-30.5-104. Charter school - requirements - authority.** (6) Pursuant to contract, a charter school may operate free from specified school district policies and state regulations; EXCEPT THAT A CHARTER SCHOOL SHALL NOT, BY CONTRACT OR OTHERWISE, OPERATE FREE OF THE REQUIREMENTS CONTAINED IN THE "CHILDREN'S

INTERNET PROTECTION ACT", ARTICLE 87 OF THIS TITLE. Pursuant to contract, a local board of education may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, ~~OR~~ ANY STATUTE OR RULE necessary to prepare the school accountability reports pursuant to part 6 of article 7 of this title, OR ANY STATUTE OR RULE RELATING TO THE "CHILDREN'S INTERNET PROTECTION ACT", ARTICLE 87 OF THIS TITLE. Upon request of the charter applicant, the state board and the local board of education shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection (6) shall be for the term of the charter for which the waiver is made; except that a waiver of state statutes or regulations by the state board shall be subject to review every two years and may be revoked if the waiver is deemed no longer necessary by the state board.

**SECTION 34. Repeal.** 24-90-110.5 and 24-90-111, Colorado Revised Statutes, are repealed.

**SECTION 35. Effective date.** (1) This act shall take effect August 15, 2003.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: June 5, 2003