

CHAPTER 209

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 04-1066

BY REPRESENTATIVE(S) Wiens, Clapp, Harvey, Williams T., Hefley, May M., Schultheis, and Stafford;
also SENATOR(S) Evans, Andrews, Cairns, Chlouber, Hillman, Lamborn, and May R.

AN ACT

**CONCERNING THE OPPORTUNITY FOR VOTERS IN THE TOWN OF CASTLE ROCK IN DOUGLAS COUNTY
TO DETERMINE WHETHER TO BE INCLUDED IN THE BOUNDARIES OF CERTAIN SPECIAL DISTRICTS.**

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

SECTION 1. Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-106.9. District area - town of Castle Rock in Douglas county. (1) IN CONSIDERATION OF THE FACT THAT VARIOUS NONCONTIGUOUS PARCELS CONTAINING LESS THAN TWENTY PERCENT OF THE RESIDENTS OF THE TOWN OF CASTLE ROCK ARE INCLUDED IN THE DISTRICT, THE VOTERS WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK MAY ELECT TO CONSOLIDATE THE STATUS OF THE TOWN OF CASTLE ROCK AS COMPLETELY INCLUDED IN OR COMPLETELY EXCLUDED FROM THE BOUNDARIES OF THE DISTRICT AT AN ELECTION HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) THE OUTCOME OF ANY ELECTION HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL APPLY TO ANY AREA THAT IS ANNEXED BY THE TOWN OF CASTLE ROCK ON OR AFTER THE DATE OF SUCH ELECTION, REGARDLESS OF WHETHER THE AREA WAS INCLUDED WITHIN THE BOUNDARIES OF THE DISTRICT BEFORE THE ANNEXATION.

(3) PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE AREA INCLUDED WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK MAY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT IF THE FOLLOWING REQUIREMENTS ARE MET:

(a) TWO PROPOSALS, ONE TO INCLUDE THE AREA AND ONE TO EXCLUDE THE AREA,

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

ARE INITIATED BY ANY OF THE FOLLOWING METHODS:

(I) TWO PETITIONS, ONE REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT AND ONE REQUESTING AN ELECTION FOR THE PURPOSE OF EXCLUDING THE AREA FROM THE DISTRICT, ARE EACH SIGNED BY AT LEAST FIVE PERCENT OF THE REGISTERED ELECTORS WITHIN THE TOWN OF CASTLE ROCK AND SUBMITTED TO THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK; OR

(II) THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK ADOPTS TWO RESOLUTIONS, ONE TO HOLD AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT AND ONE TO HOLD AN ELECTION FOR THE PURPOSE OF EXCLUDING THE AREA FROM THE DISTRICT.

(b) AN ELECTION IS HELD AND CONDUCTED IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1 OR ARTICLE 10 OF TITLE 31, C.R.S., AS APPLICABLE, AND THE FOLLOWING REQUIREMENTS:

(I) THE ELECTION SHALL BE HELD EITHER AT THE ODD-YEAR ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF 2005 OR ANY REGULAR LOCAL DISTRICT ELECTION FOR THE TOWN OF CASTLE ROCK HELD THEREAFTER, AS DETERMINED BY THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK. THE TOWN OF CASTLE ROCK SHALL PAY THE COSTS OF SUCH ELECTIONS.

(II) ONE BALLOT QUESTION PROVIDES FOR ALL OF THE REGISTERED ELECTORS IN THE TOWN OF CASTLE ROCK TO VOTE FOR OR AGAINST THE INCLUSION OF THE PROPOSED AREA IN THE DISTRICT AND ONE BALLOT QUESTION PROVIDES FOR ALL OF THE REGISTERED ELECTORS IN THE TOWN OF CASTLE ROCK TO VOTE FOR OR AGAINST THE EXCLUSION OF THE AREA FROM THE DISTRICT.

(III) EACH BALLOT QUESTION SPECIFIES THAT THE AREA PROPOSED TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT, AS APPLICABLE, IS ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK.

(IV) EACH BALLOT QUESTION CONTAINS THE CURRENT RATES OF SALES AND USE TAX LEVIED BY THE DISTRICT.

(V) THE BALLOT CONTAINS BOTH OF THE FOLLOWING QUESTIONS:

(A) "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT AND SUBJECT TO TAXATION BY THE DISTRICT?"; AND

(B) "SHALL THE AREA DESCRIBED IN THE BALLOT BE EXCLUDED FROM THE REGIONAL TRANSPORTATION DISTRICT AND NOT SUBJECT TO TAXATION BY THE DISTRICT?".

(4) (a) IN THE EVENT THAT EITHER THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT OR THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT IS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION AND THE OTHER BALLOT QUESTION IS NOT APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO

VOTED IN THE ELECTION, THE BALLOT QUESTION THAT WAS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION SHALL TAKE EFFECT.

(b) IN THE EVENT THAT BOTH THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT AND THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT ARE APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION, ONLY THE BALLOT QUESTION THAT RECEIVES THE LARGER NUMBER OF VOTES IN FAVOR OF THE QUESTION SHALL TAKE EFFECT.

(c) IN THE EVENT THAT NEITHER THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT NOR THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT IS APPROVED BY A MAJORITY OF REGISTERED ELECTORS WHO VOTED IN THE ELECTION, NEITHER BALLOT QUESTION SHALL TAKE EFFECT AND THE BOUNDARIES OF THE DISTRICT SHALL CONTINUE TO INCLUDE THE PARTS OF THE TOWN OF CASTLE ROCK THAT WERE INCLUDED IN THE DISTRICT BEFORE SUCH ELECTION.

(5) IN THE EVENT THAT THE REGISTERED ELECTORS OF THE TOWN OF CASTLE ROCK ELECT TO BE INCLUDED WITHIN OR EXCLUDED FROM THE BOUNDARIES OF THE DISTRICT, THE TOWN OF CASTLE ROCK SHALL GRANT THE DEPARTMENT OF REVENUE FOR ANY COSTS UP TO THE AMOUNT OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS IT INCURS IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

(6) UNDER NO CIRCUMSTANCE SHALL ANY MONEYS FROM THE GENERAL FUND BE APPROPRIATED TO THE DEPARTMENT OF REVENUE OR ANY OTHER DEPARTMENT TO COVER THE COSTS INCURRED IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. Article 15 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-15-104.3. District area - town of Castle Rock in Douglas county. (1) IN CONSIDERATION OF THE FACT THAT VARIOUS NONCONTIGUOUS PARCELS CONTAINING LESS THAN TWENTY PERCENT OF THE RESIDENTS OF THE TOWN OF CASTLE ROCK ARE INCLUDED IN THE DISTRICT, THE VOTERS WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK MAY ELECT TO CONSOLIDATE THE STATUS OF THE TOWN OF CASTLE ROCK AS COMPLETELY INCLUDED IN OR COMPLETELY EXCLUDED FROM THE BOUNDARIES OF THE DISTRICT AT AN ELECTION HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) THE OUTCOME OF ANY ELECTION HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL APPLY TO ANY AREA THAT IS ANNEXED BY THE TOWN OF CASTLE ROCK ON OR AFTER THE DATE OF SUCH ELECTION, REGARDLESS OF WHETHER THE AREA WAS INCLUDED WITHIN THE BOUNDARIES OF THE DISTRICT BEFORE THE ELECTION.

(3) PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE AREA INCLUDED WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK MAY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT IF THE FOLLOWING REQUIREMENTS

ARE MET:

(a) TWO PROPOSALS, ONE TO INCLUDE THE AREA AND ONE TO EXCLUDE THE AREA, ARE INITIATED BY ANY OF THE FOLLOWING METHODS:

(I) TWO PETITIONS, ONE REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT AND ONE REQUESTING AN ELECTION FOR THE PURPOSE OF EXCLUDING THE AREA FROM THE DISTRICT, ARE EACH SIGNED BY AT LEAST FIVE PERCENT OF THE REGISTERED ELECTORS WITHIN THE TOWN OF CASTLE ROCK AND SUBMITTED TO THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK; OR

(II) THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK ADOPTS TWO RESOLUTIONS, ONE TO HOLD AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT AND ONE TO HOLD AN ELECTION FOR THE PURPOSE OF EXCLUDING THE AREA FROM THE DISTRICT.

(b) AN ELECTION IS HELD AND CONDUCTED IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1 OR ARTICLE 10 OF TITLE 31, C.R.S., AS APPLICABLE, AND THE FOLLOWING REQUIREMENTS:

(I) THE ELECTION SHALL BE HELD EITHER AT THE ODD-YEAR ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF 2005 OR ANY REGULAR LOCAL DISTRICT ELECTION FOR THE TOWN OF CASTLE ROCK HELD THEREAFTER, AS DETERMINED BY THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK. THE TOWN OF CASTLE ROCK SHALL PAY THE COSTS OF SUCH ELECTIONS.

(II) ONE BALLOT QUESTION PROVIDES FOR ALL OF THE REGISTERED ELECTORS IN THE TOWN OF CASTLE ROCK TO VOTE FOR OR AGAINST THE INCLUSION OF THE PROPOSED AREA IN THE DISTRICT AND ONE BALLOT QUESTION PROVIDES FOR ALL OF THE REGISTERED ELECTORS IN THE TOWN OF CASTLE ROCK TO VOTE FOR OR AGAINST THE EXCLUSION OF THE AREA FROM THE DISTRICT.

(III) EACH BALLOT QUESTION SPECIFIES THAT THE AREA PROPOSED TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT, AS APPLICABLE, IS ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK.

(IV) EACH BALLOT QUESTION CONTAINS THE CURRENT RATES OF SALES AND USE TAX LEVIED BY THE DISTRICT.

(V) THE BALLOT CONTAINS BOTH OF THE FOLLOWING QUESTIONS:

(A) "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE METROPOLITAN FOOTBALL STADIUM DISTRICT AND SUBJECT TO TAXATION BY THE DISTRICT?"; AND

(B) "SHALL THE AREA DESCRIBED IN THE BALLOT BE EXCLUDED FROM THE METROPOLITAN FOOTBALL STADIUM DISTRICT AND NOT SUBJECT TO TAXATION BY THE DISTRICT?".

(4) (a) IN THE EVENT THAT EITHER THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT OR

THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT IS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION AND THE OTHER BALLOT QUESTION IS NOT APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION, THE BALLOT QUESTION THAT WAS APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION SHALL TAKE EFFECT.

(b) IN THE EVENT THAT BOTH THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT AND THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT ARE APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS WHO VOTED IN THE ELECTION, ONLY THE BALLOT QUESTION THAT RECEIVES THE LARGER NUMBER OF VOTES IN FAVOR OF THE QUESTION SHALL TAKE EFFECT.

(c) IN THE EVENT THAT NEITHER THE BALLOT QUESTION TO INCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK IN THE DISTRICT NOR THE BALLOT QUESTION TO EXCLUDE ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK FROM THE DISTRICT IS APPROVED BY A MAJORITY OF REGISTERED ELECTORS WHO VOTED IN THE ELECTION, NEITHER OF THE BALLOT QUESTIONS SHALL TAKE EFFECT AND THE BOUNDARIES OF THE DISTRICT SHALL CONTINUE TO INCLUDE THE PARTS OF THE TOWN OF CASTLE ROCK THAT WERE INCLUDED IN THE DISTRICT BEFORE SUCH ELECTION.

(5) IN THE EVENT THAT THE REGISTERED ELECTORS OF THE TOWN OF CASTLE ROCK ELECT TO BE INCLUDED WITHIN THE BOUNDARIES OF THE DISTRICT, THE TOWN OF CASTLE ROCK SHALL GRANT THE DEPARTMENT OF REVENUE FOR ANY COSTS IT INCURS IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

(6) UNDER NO CIRCUMSTANCE SHALL ANY MONEYS FROM THE GENERAL FUND BE APPROPRIATED TO THE DEPARTMENT OF REVENUE OR ANY OTHER DEPARTMENT TO COVER THE COSTS INCURRED IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Became Law: April 27, 2004