

CHAPTER 90

GOVERNMENT - LOCAL

HOUSE BILL 05-1210

BY REPRESENTATIVE(S) Berens, Butcher, Green, Hall, Hodge, and Todd;
also SENATOR(S) Shaffer, Entz, and Kester.

AN ACT**CONCERNING THE INCLUSION OF A GOVERNMENTAL UNIT INTO AN EXISTING LIBRARY DISTRICT.**

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

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

24-90-106.3. Inclusion of a governmental unit into an existing library district - procedure. (1) ANY GOVERNMENTAL UNIT SHARING AT LEAST ONE COMMON BOUNDARY WITH AN EXISTING LIBRARY DISTRICT MAY BECOME PART OF THE DISTRICT UPON A RESOLUTION EXECUTED BY THE BOARD OF TRUSTEES OF THE DISTRICT AND THE ADOPTION OF AN ORDINANCE OR RESOLUTION, AS APPLICABLE, BY THE LEGISLATIVE BODY OF THE GOVERNMENTAL UNIT APPROVING THE INCLUSION OF THE GOVERNMENTAL UNIT INTO THE DISTRICT. IF THE TAX LEVY IMPOSED BY THE DISTRICT PURSUANT TO SECTION 24-90-112 HAS NOT BEEN PREVIOUSLY APPROVED BY THE REGISTERED ELECTORS OF THE GOVERNMENTAL UNIT, THE ELECTORS SHALL APPROVE THE LEVY BEFORE THE GOVERNMENTAL UNIT MAY BE INCLUDED IN THE DISTRICT. ANY SUCH ELECTION SHALL BE HELD IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, ARTICLES 1 TO 13 OF TITLE 1, C.R.S., AND ARTICLE 10 OF TITLE 31, C.R.S., AS APPLICABLE, AND THE ELECTION SHALL BE HELD ON THE DATE OF THE STATE BIENNIAL GENERAL ELECTION, THE FIRST TUESDAY IN NOVEMBER IN ODD-NUMBERED YEARS, OR, IF THE GOVERNMENTAL UNIT IS A MUNICIPALITY, ON THE DATE OF THE REGULAR ELECTION OF THE MUNICIPALITY.

(2) UPON THE INCLUSION OF A GOVERNMENTAL UNIT INTO A LIBRARY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE LEGISLATIVE BODY OF THE GOVERNMENTAL UNIT AND THE BOARD OF TRUSTEES OF THE DISTRICT SHALL ENTER INTO A WRITTEN AGREEMENT WITHIN NINETY DAYS OF THE

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

ELECTION THAT SETS FORTH FULLY THE RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES, FINANCIAL AND OTHERWISE, OF THE PARTIES TO THE AGREEMENT.

(3) IN THE CASE OF A GOVERNMENTAL UNIT THAT HAS A PORTION INCLUDED WITHIN A LIBRARY DISTRICT AND A PORTION THAT IS NOT INCLUDED WITHIN THE DISTRICT, THE GOVERNMENTAL UNIT MAY FOLLOW THE PROCEDURES SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION TO BRING ABOUT THE INCLUSION OF THE ENTIRE GOVERNMENTAL UNIT INTO THE DISTRICT; EXCEPT THAT, IN SUCH CIRCUMSTANCES, ONLY THE REGISTERED ELECTORS RESIDING WITHIN THE PORTION OF THE GOVERNMENTAL UNIT THAT IS NOT INCLUDED WITHIN THE DISTRICT AT THE TIME OF THE COMMENCEMENT OF THE INCLUSION PROCEEDINGS SHALL BE ALLOWED TO VOTE ON THE QUESTION OF APPROVAL OF THE DISTRICT TAX LEVY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 20, 2005