

## CHAPTER 213

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**GOVERNMENT - SPECIAL DISTRICTS**

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**HOUSE BILL 07-1295**

BY REPRESENTATIVE(S) Weissmann, Casso, Gibbs, Kerr A., Levy, and Loper;  
also SENATOR(S) Takis, and Williams.

**AN ACT**

**CONCERNING THE IDENTIFICATION OF ALL LAND AREA WITHIN THE REGIONAL TRANSPORTATION DISTRICT, AND, IN CONNECTION THEREWITH, REQUIRING THE REGIONAL TRANSPORTATION DISTRICT TO MAP THE DISTRICT AND FURTHER IDENTIFY THE DISTRICT BY WRITTEN DESCRIPTION.**

*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:

**32-9-106.1. District area.** (1) (a) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE AREA COMPRISING THE DISTRICT SHALL CONSIST OF THE FOLLOWING:

(I) THE AREA WITHIN THE DISTRICT ON JULY 1, 2007; AND

(II) ANY ADDITIONAL AREA ANNEXED TO OR INCLUDED IN THE DISTRICT AFTER JULY 1, 2007, AS PROVIDED IN SECTIONS 32-9-106.6, 32-9-106.7, AND 32-9-106.8.

(b) THE AREA SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT INCLUDE ANY AREA REMOVED FROM THE DISTRICT FOR ANY REASON ON OR AFTER JULY 1, 2007.

(2) (a) THE BOARD SHALL ENSURE THAT THE ENTIRE DISTRICT AREA SHALL BE DEPICTED ON A MAP AND THE AREA'S DESCRIPTION STATED IN A WRITTEN DOCUMENT. IN THE EVENT OF A DISCREPANCY BETWEEN THE AREA DEPICTED ON THE MAP AND THE DESCRIPTION OF THE AREA STATED IN THE WRITTEN DOCUMENT, THE WRITTEN DOCUMENT SHALL BE HELD TO BE THE ACCURATE DESCRIPTION OF THE AREA.

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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.*

(b) IN DEPICTING AND DESCRIBING THE ENTIRE DISTRICT AREA AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE BOARD SHALL ENSURE THAT:

(I) IF THE DISTRICT AREA REFERENCES AN EXISTING COUNTY BOUNDARY OR AN EXISTING BOUNDARY OF AN ANNEXATION, THE DISTRICT AREA SHALL COINCIDE WITH THE EXISTING COUNTY BOUNDARY OR EXISTING BOUNDARY OF THE ANNEXATION;

(II) GAPS IN THE DISTRICT AREA SHALL BE AVOIDED BY FOLLOWING THE MOST DIRECTLY REFERENCED PARCEL OR ALIQUOT LINE;

(III) SUBDIVIDED PARCELS, TRACTS, OR LOTS THAT LIE FIFTY PERCENT OR MORE WITHIN THE DISTRICT AREA SHALL BE INCLUDED IN THE DISTRICT AREA;

(IV) SUBDIVIDED PARCELS, TRACTS, OR LOTS THAT LIE LESS THAN FIFTY PERCENT WITHIN THE DISTRICT AREA SHALL NOT BE INCLUDED IN THE DISTRICT AREA; AND

(V) WHEN A PREVIOUS STATUTORY DISTRICT AREA REFERENCE IS AMBIGUOUS OR UNCLEAR, THE DISTRICT AREA SHALL BE DETERMINED TO FOLLOW ALONG THE BOUNDARY OF THE DISTRICT AREA AS PREVIOUSLY DETERMINED BY THE DISTRICT.

(c) THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE MAINTAINED IN THE DISTRICT OFFICE AND SHALL BE OPEN TO PUBLIC INSPECTION AND MADE AVAILABLE FOR COPYING.

(d) COPIES OF THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE CERTIFIED BY THE SECRETARY OF THE BOARD AND SHALL BE FILED WITH THE SECRETARY OF STATE, THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF REVENUE, THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND THE TRANSPORTATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE.

(e) (I) THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL FIRST BE COMPLETED ON JULY 1, 2007, AND SHALL BE UPDATED NO LATER THAN THIRTY DAYS AFTER ANY ADDITIONAL AREA IS ANNEXED OR INCLUDED IN THE DISTRICT AS PROVIDED FOR IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION OR AFTER ANY AREA IS REMOVED FROM THE DISTRICT FOR ANY REASON.

(II) IF THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) ARE UPDATED AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE NEW MAP AND WRITTEN DOCUMENT SHALL BE PROMPTLY CERTIFIED BY THE SECRETARY OF THE BOARD AND FILED AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (2). UPON RECEIVING A CERTIFIED COPY OF THE UPDATED MAP AND WRITTEN DOCUMENT PURSUANT TO THIS SUBPARAGRAPH (II), THE DEPARTMENT OF REVENUE SHALL COMMUNICATE WITH ANY RETAILER WITHIN THE TAXING JURISDICTIONS AFFECTED BY THE INCLUSION OF ANY ADDITIONAL AREA IN OR THE REMOVAL OF ANY AREA FROM THE DISTRICT IN ORDER TO FACILITATE THE ADMINISTRATION AND COLLECTION OF TAXES WITHIN THE AREA COMPRISING THE DISTRICT AND TO IDENTIFY ALL RETAILERS AFFECTED BY THE INCLUSION OR

REMOVAL OF ANY AREA. THE DEPARTMENT SHALL MAKE COPIES OF ANY SUCH WRITTEN DOCUMENT AND MAP AVAILABLE TO ALL TAXING JURISDICTIONS IN THE STATE, INCLUDING ANY SPECIAL DISTRICT THAT IMPOSES A SALES TAX.

(III) AN ANNEXATION OR INCLUSION OF ADDITIONAL AREA INTO THE DISTRICT AS PROVIDED IN SECTIONS 32-9-106.6, 32-9-106.7, AND 32-9-106.8 SHALL NOT BECOME EFFECTIVE UNTIL THE BOARD UPDATES THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AS REQUIRED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e).

(3) (a) IN ADDITION TO THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE DISTRICT SHALL ALSO ENSURE THAT THE DISTRICT AREA IN EACH COUNTY, WHETHER THE DISTRICT IS INCLUDED IN AN INCORPORATED OR UNINCORPORATED PORTION OF EACH COUNTY, IS DEPICTED ON A SEPARATE MAP AND ITS DESCRIPTION STATED IN A SEPARATE WRITTEN DOCUMENT. IN THE EVENT OF A DISCREPANCY BETWEEN THE AREA DEPICTED ON THE MAP AND THE DESCRIPTION OF THE AREA STATED IN THE WRITTEN DOCUMENT, THE WRITTEN DOCUMENT SHALL BE HELD TO BE THE ACCURATE DESCRIPTION OF THE AREA.

(b) THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE MAINTAINED IN THE DISTRICT OFFICE AND SHALL BE OPEN TO PUBLIC INSPECTION AND COPYING.

(c) COPIES OF THE MAPS AND WRITTEN DOCUMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE CERTIFIED BY THE SECRETARY OF THE BOARD AND SHALL BE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF EACH APPROPRIATE COUNTY. COPIES OF THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL ALSO BE FILED WITH THE SECRETARY OF STATE, THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF REVENUE, THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND THE TRANSPORTATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE.

(d) (I) THE MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL FIRST BE COMPLETED ON JULY 1, 2007, AND SHALL BE UPDATED NO LATER THAN THIRTY DAYS AFTER ANY ADDITIONAL AREA IN A COUNTY IS ANNEXED OR INCLUDED IN THE DISTRICT AS PROVIDED FOR IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION OR AFTER ANY AREA IN A COUNTY IS REMOVED FROM THE DISTRICT FOR ANY REASON.

(II) IF A MAP AND WRITTEN DOCUMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS UPDATED AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE NEW MAP AND WRITTEN DOCUMENT SHALL BE PROMPTLY CERTIFIED BY THE SECRETARY OF THE BOARD AND RECORDED AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

**SECTION 2.** 30-20-603 (1) (a.5), Colorado Revised Statutes, is amended to read:

**30-20-603. Improvements authorized - how instituted - conditions.**

(1) (a.5) In a district formed prior to December 31, 2002, by a city that has been authorized to become a city and county pursuant to an amendment to the state constitution that has been approved by the registered electors of the state of Colorado and in which a sales tax is levied pursuant to section 30-20-604.5, the improvements may also consist of the provision of transportation services, vehicles, equipment, parking, and improvements in the district. Transportation services may be provided by the district in an area within the regional transportation district as described in ~~section 32-9-106~~ SECTION 32-9-106.1, C.R.S., if the regional transportation district consents to the provision of such services.

**SECTION 3.** 32-1-1004 (6) (a), Colorado Revised Statutes, is amended to read:

**32-1-1004. Metropolitan districts - additional powers and duties.**

(6) Notwithstanding anything in this article or any other law to the contrary:

(a) A metropolitan district may be formed within any part of the area within the regional transportation district, as described in ~~section 32-9-106~~ SECTION 32-9-106.1, for the single service of financing a system to transport the public by bus, guideway, or any other means of conveyance, or any combination thereof.

**SECTION 4.** The introductory portion to 32-9-106.6 (1), Colorado Revised Statutes, is amended to read:

**32-9-106.6. Additional district areas as a result of annexation.** (1) SUBJECT TO THE REQUIREMENTS OF SECTION 32-9-106.1 (2) (e) (III), in addition to the areas described in ~~sections 32-9-106 and 32-9-106.3~~ SECTION 32-9-106.1, the following areas are included in the district:

**SECTION 5.** The introductory portions to 32-9-106.7 (1) and (1.5) (b), Colorado Revised Statutes, are amended to read:

**32-9-106.7. Additional district area - petition or election - required filings - definitions.** (1) SUBJECT TO THE REQUIREMENTS OF SECTION 32-9-106.1 (2) (e) (III), the following areas may be included in the district according to the terms set forth in this section:

(1.5) (b) SUBJECT TO THE REQUIREMENTS OF SECTION 32-9-106.1 (2) (e) (III), the area that is contiguous to any boundary of the district may be included in the district according to the following terms:

**SECTION 6.** 32-9-106.8 (1), Colorado Revised Statutes, is amended to read:

**32-9-106.8. Additional district areas - annexation of unincorporated territory that is entirely surrounded by the district.** (1) SUBJECT TO THE REQUIREMENTS OF SECTION 32-9-106.1 (2) (e) (III), when any unincorporated territory is entirely contained within the boundaries of the district, the board may, by resolution, annex the territory to the district. The board shall give notice of a proposed annexation resolution by publishing a copy of the resolution once a week for four successive weeks in a newspaper of general circulation in the territory proposed to be annexed. The board shall also send a copy of the proposed

annexation resolution by registered mail to the board of county commissioners and county attorney of the county containing the territory to be annexed, to any special district or school district having territory within the territory to be annexed, and to the executive director of the department of revenue. The first publication of the notice and the mailing of the proposed annexation resolution shall occur at least thirty days prior to the final adoption of the resolution, and the board shall allow interested persons to testify for or against the resolution at a public hearing held prior to the final adoption of the resolution.

**SECTION 7.** 32-9-111 (1) (b), Colorado Revised Statutes, is amended to read:

**32-9-111. Election of directors - dates - terms.** (1) (b) ~~If an election held pursuant to section 32-9-106 (2) (b) and (2) (c), 32-9-106.3, 32-9-106.4, 32-9-106.5, or 32-9-106.6 results in a vote for the inclusion of an area within the district, or~~ If a petition or election results in the inclusion of an area within the district pursuant to section 32-9-106.7, the board shall, within forty-five days, vote to include the new area in one or more existing adjacent director districts based, to the extent practical, on population. The vote by the board shall require a two-thirds majority.

**SECTION 8.** 32-14-104 (1), Colorado Revised Statutes, is amended to read:

**32-14-104. Creation of district - area of district.** (1) There is hereby created a district to be known and designated as the Denver metropolitan major league baseball stadium district. The district shall be a body corporate and politic and a political subdivision of the state. The area comprising the district shall consist of:

(a) That area comprising the regional transportation district, as specified in section 32-9-106 AS IT EXISTED ON JUNE 2, 1989; and

(b) That area comprising the regional transportation district as specified in sections 32-9-106.3 AS IT EXISTED ON MAY 25, 1994, 32-9-106.4 AS IT EXISTED ON APRIL 15, 1996, and 32-9-106.6 AS IT EXISTED ON MAY 25, 1994, unless rejected by the eligible electors as provided in said sections. Except as otherwise provided by law, the area shall not include areas included in the regional transportation district pursuant to section 32-9-106.7.

**SECTION 9.** 32-15-104 (1), Colorado Revised Statutes, is amended to read:

**32-15-104. Creation of district - area of district.** (1) There is hereby created a district to be known and designated as the metropolitan football stadium district. The district shall be a body corporate and politic and a political subdivision of the state. Except as provided in subsection (1.5) of this section, the area comprising the district shall consist of:

(a) That area comprising the regional transportation district, as specified in section 32-9-106 AS IT EXISTED ON MAY 23, 1996; and

(b) That area comprising the regional transportation district as specified in sections 32-9-106.3, 32-9-106.4, and 32-9-106.6 AS SAID SECTIONS EXISTED ON MAY 23, 1996, unless rejected by the eligible electors as provided in said sections. Except as otherwise provided by law, the area shall not include areas included in the

regional transportation district pursuant to section 32-9-106.7.

**SECTION 10. Repeal.** 32-9-106, 32-9-106.3, 32-9-106.6 (1) (a) and (2), and 32-9-106.7 (4), Colorado Revised Statutes, are repealed.

**SECTION 11. Effective date.** Section 10 of this act shall take effect October 1, 2007, and the remainder of this act shall take effect on passage.

**SECTION 12. 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: May 14, 2007