

CHAPTER 182

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 13-1036

BY REPRESENTATIVE(S) Singer, Fields, Hullinghorst, Labuda, Melton;
also SENATOR(S) Heath and Nicholson.

AN ACT**CONCERNING THE AUTHORITY OF A LOCAL IMPROVEMENT DISTRICT.**

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

SECTION 1. In Colorado Revised Statutes, 30-20-602, **amend** (2) as follows:

30-20-602. Definitions. As used in this part 6, unless the context otherwise requires:

(2) "District" means the geographical division of the county or counties within which any local improvements are made or proposed, when so declared by resolution of the board. ~~Except for a district in the unincorporated area of a county in which a sales tax is levied pursuant to section 30-20-604.5,~~ There may be noncontiguous parts or sections ~~of a~~ WITHIN THE SAME county included in one district; ~~but~~ EXCEPT THAT, IN A DISTRICT IN WHICH A SALES TAX IS LEVIED, A NONCONTIGUOUS PART OR SECTION MAY ONLY BE INCLUDED IF THE OWNERS OF ANY PROPERTY WITHIN SUCH PART OR SECTION PETITIONED TO BE INCLUDED IN THE DISTRICT. No district shall include territory that is included in an undissolved district that was formed for the same type of improvement. Notwithstanding any other provision of this part 6 and except in the case of 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, no district in which a sales tax is levied pursuant to section 30-20-604.5 shall be formed that includes territory within a municipality, and any such district shall be as compact as possible. Except as provided in section 30-20-603 (11.5) (b) (I), no district that crosses county boundaries may be formed by intergovernmental agreement or otherwise.

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

SECTION 2. In Colorado Revised Statutes, 30-20-603, **amend** (1) (c); and **add** (2.5) as follows:

30-20-603. Improvements and funding authorized - how instituted - conditions. (1) (c) If any improvement or transportation services authorized by this subsection (1) are funded by sales tax, the tax may also be used for the operation and maintenance of such improvement or services, ~~and~~ for the production and distribution of informational products and materials, AND FOR THE ORGANIZATION, PROMOTION, MARKETING, AND MANAGEMENT OF PUBLIC EVENTS.

(2.5) (a) THE BOUNDARIES OF ANY DISTRICT ORGANIZED UNDER THE PROVISIONS OF THIS PART 6 MAY BE CHANGED IN THE MANNER PRESCRIBED IN THIS SUBSECTION (2.5); EXCEPT THAT THE CHANGE OF BOUNDARIES OF THE DISTRICT SHALL NOT IMPAIR OR AFFECT THE DISTRICT'S ORGANIZATION OR RIGHTS IN OR TO PROPERTY OR ANY OF THE DISTRICT'S RIGHTS OR PRIVILEGES WHATSOEVER, NOR SHALL THE CHANGE AFFECT OR IMPAIR OR DISCHARGE ANY CONTRACT, OBLIGATION, LIEN, OR CHARGE FOR OR UPON WHICH THE DISTRICT MIGHT BE LIABLE OR CHARGEABLE HAD ANY SUCH CHANGE OF BOUNDARIES NOT BEEN MADE. THE OWNERS OF PROPERTY PROPOSED TO BE INCLUDED OR EXCLUDED MAY FILE A PETITION WITH THE BOARD, IN WRITING, REQUESTING THAT SUCH PROPERTY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT. THE PETITION SHALL DESCRIBE THE PROPERTY OWNED BY THE PETITIONERS AND SHALL BE VERIFIED. THE PETITION SHALL BE ACCOMPANIED BY A DEPOSIT OF MONEY SUFFICIENT TO PAY ALL COSTS OF THE INCLUSION OR EXCLUSION PROCEEDINGS. THE COUNTY CLERK AND RECORDER SHALL CAUSE NOTICE OF THE FILING OF SUCH PETITION TO BE GIVEN AND POSTED, WHICH NOTICE SHALL STATE THE FILING OF SUCH PETITION, THE NAMES OF THE PETITIONERS, DESCRIPTIONS OF THE PROPERTY SOUGHT TO BE INCLUDED OR EXCLUDED, AND THE REQUEST OF SAID PETITIONERS.

(b) THE NOTICE OF THE FILING OF A PETITION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL INFORM ALL PERSONS HAVING OBJECTIONS TO APPEAR AT THE TIME AND PLACE STATED IN SAID NOTICE AND SHOW CAUSE WHY THE PETITION SHOULD NOT BE GRANTED. THE BOARD, AT THE TIME AND PLACE MENTIONED IN THE NOTICE OR AT ANY TIME TO WHICH THE HEARING MAY BE ADJOURNED, SHALL PROCEED TO HEAR THE PETITION AND ALL OBJECTIONS THERETO THAT MAY BE PRESENTED BY ANY PERSON SHOWING CAUSE WHY SAID PETITION SHOULD NOT BE GRANTED. THE FAILURE OF ANY INTERESTED PERSON TO SHOW CAUSE SHALL BE DEEMED AS AN ASSENT ON THE PERSON'S PART TO THE INCLUSION OR EXCLUSION OF SUCH PROPERTY AS REQUESTED IN THE PETITION. IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT ADVERSELY AFFECT THE DISTRICT AND IF THE PETITION IS GRANTED, THE BOARD SHALL ADOPT A RESOLUTION CHANGING THE BOUNDARIES OF THE DISTRICT ACCORDINGLY AND RECORD A CERTIFIED COPY OF THE RESOLUTION WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, AND THE PROPERTY IS THEREAFTER INCLUDED IN OR EXCLUDED FROM THE DISTRICT AS APPLICABLE.

(c) THE BOARD SHALL TAKE INTO CONSIDERATION AND MAKE A FINDING REGARDING ALL OF THE FOLLOWING FACTORS WHEN DETERMINING WHETHER TO GRANT OR DENY THE PETITION:

(I) THE BEST INTERESTS OF ALL OF THE FOLLOWING:

(A) THE PROPERTY TO BE INCLUDED OR EXCLUDED IN THE LOCAL IMPROVEMENT DISTRICT;

(B) THE LOCAL IMPROVEMENT DISTRICT FOR WHICH THE CHANGE OF BOUNDARIES IS PROPOSED; AND

(C) THE COUNTY OR COUNTIES IN WHICH THE LOCAL IMPROVEMENT DISTRICT IS LOCATED;

(II) THE RELATIVE COST AND BENEFIT TO THE PROPERTY TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT; AND

(III) THE ABILITY OF THE LOCAL IMPROVEMENT DISTRICT TO PROVIDE ECONOMICAL AND SUFFICIENT IMPROVEMENTS OR SERVICES TO BOTH THE PROPERTY TO BE INCLUDED OR EXCLUDED AND ALL OF THE PROPERTIES WITHIN THE DISTRICT'S BOUNDARIES.

(d) ALL PROPERTY INCLUDED IN OR EXCLUDED FROM A DISTRICT IS SUBJECT TO THE LEVY OF TAXES, ASSESSMENTS, OR BOTH, FOR THE PAYMENT OF THE PROPERTY'S PROPORTIONATE SHARE OF ANY INDEBTEDNESS OF THE DISTRICT OUTSTANDING AT THE TIME OF THE PROPERTY'S INCLUSION OR EXCLUSION.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 10, 2013