

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0277.01 Gregg Fraser x4325

SENATE BILL 12-101

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SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Bradford,

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Senate Committees  
Local Government

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF A LOCAL IMPROVEMENT DISTRICT.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill modifies certain provisions of the law governing county and city and county local improvement districts (districts) to make the provisions consistent with the law governing improvement districts. **Section 1** of the bill allows a district in which a sales tax is levied to include noncontiguous areas.

**Section 2** allows a district to use sales tax revenues for the organization, promotion, marketing, and management of public events.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

It further specifies procedures for a property owner to petition to be included in or excluded from a district.

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

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

4 **30-20-602. Definitions.** As used in this part 6, unless the context  
5 otherwise requires:

6 (2) "District" means the geographical division of the county or  
7 counties within which any local improvements are made or proposed,  
8 when so declared by resolution of the board. ~~Except for a district in the~~  
9 ~~unincorporated area of a county in which a sales tax is levied pursuant to~~  
10 ~~section 30-20-604.5,~~ There may be noncontiguous parts or sections of a  
11 county included in one district, but no district shall include territory that  
12 is included in an undissolved district that was formed for the same type  
13 of improvement. Notwithstanding any other provision of this part 6 and  
14 except in the case of a district formed prior to December 31, 2002, by a  
15 city that has been authorized to become a city and county pursuant to an  
16 amendment to the state constitution that has been approved by the  
17 registered electors of the state of Colorado, no district in which a sales tax  
18 is levied pursuant to section 30-20-604.5 shall be formed that includes  
19 territory within a municipality, and any such district shall be as compact  
20 as possible. Except as provided in section 30-20-603 (11.5) (b) (I), no  
21 district that crosses county boundaries may be formed by  
22 intergovernmental agreement or otherwise.

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

25 **30-20-603. Improvements and funding authorized - how**

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

7 (2.5) (a) THE BOUNDARIES OF ANY DISTRICT ORGANIZED UNDER  
8 THE PROVISIONS OF THIS PART 6 MAY BE CHANGED IN THE MANNER  
9 PRESCRIBED IN THIS SUBSECTION (2.5); EXCEPT THAT THE CHANGE OF  
10 BOUNDARIES OF THE DISTRICT SHALL NOT IMPAIR OR AFFECT THE  
11 DISTRICT'S ORGANIZATION OR RIGHTS IN OR TO PROPERTY OR ANY OF THE  
12 DISTRICT'S RIGHTS OR PRIVILEGES WHATSOEVER, NOR SHALL THE CHANGE  
13 AFFECT OR IMPAIR OR DISCHARGE ANY CONTRACT, OBLIGATION, LIEN, OR  
14 CHARGE FOR OR UPON WHICH THE DISTRICT MIGHT BE LIABLE OR  
15 CHARGEABLE HAD ANY SUCH CHANGE OF BOUNDARIES NOT BEEN MADE.  
16 THE OWNERS OF PROPERTY PROPOSED TO BE INCLUDED OR EXCLUDED MAY  
17 FILE A PETITION WITH THE BOARD, IN WRITING, REQUESTING THAT SUCH  
18 PROPERTY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT. THE  
19 PETITION SHALL DESCRIBE THE PROPERTY OWNED BY THE PETITIONERS  
20 AND SHALL BE VERIFIED. THE PETITION SHALL BE ACCOMPANIED BY A  
21 DEPOSIT OF MONEYS SUFFICIENT TO PAY ALL COSTS OF THE INCLUSION OR  
22 EXCLUSION PROCEEDINGS. THE COUNTY CLERK AND RECORDER SHALL  
23 CAUSE NOTICE OF THE FILING OF SUCH PETITION TO BE GIVEN AND  
24 PUBLISHED, WHICH NOTICE SHALL STATE THE FILING OF SUCH PETITION,  
25 THE NAMES OF THE PETITIONERS, DESCRIPTIONS OF THE PROPERTY SOUGHT  
26 TO BE INCLUDED OR EXCLUDED, AND THE REQUEST OF SAID PETITIONERS.

27 (b) THE NOTICE OF THE FILING OF A PETITION REQUIRED BY

1 PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL INFORM ALL PERSONS  
2 HAVING OBJECTIONS TO APPEAR AT THE TIME AND PLACE STATED IN SAID  
3 NOTICE AND SHOW CAUSE WHY THE PETITION SHOULD NOT BE GRANTED.  
4 THE BOARD, AT THE TIME AND PLACE MENTIONED IN THE NOTICE OR AT  
5 ANY TIME TO WHICH THE HEARING MAY BE ADJOURNED, SHALL PROCEED  
6 TO HEAR THE PETITION AND ALL OBJECTIONS THERETO THAT MAY BE  
7 PRESENTED BY ANY PERSON SHOWING CAUSE WHY SAID PETITION SHOULD  
8 NOT BE GRANTED. THE FAILURE OF ANY INTERESTED PERSON TO SHOW  
9 CAUSE SHALL BE DEEMED AS AN ASSENT ON THE PERSON'S PART TO THE  
10 INCLUSION OR EXCLUSION OF SUCH PROPERTY AS REQUESTED IN THE  
11 PETITION. IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT  
12 ADVERSELY AFFECT THE DISTRICT AND IF THE PETITION IS GRANTED, THE  
13 BOARD SHALL ADOPT AN ORDINANCE CHANGING THE BOUNDARIES OF THE  
14 DISTRICT ACCORDINGLY AND FILE A CERTIFIED COPY OF THE ORDINANCE  
15 WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE  
16 PROPERTY IS LOCATED. THEREUPON, SAID PROPERTY IS INCLUDED IN OR  
17 EXCLUDED FROM THE DISTRICT AS APPLICABLE.

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

23 **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2012 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.