

CHAPTER 73

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 17-1065

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 also SENATOR(S) Marble, Baumgardner, Cooke, Coram, Crowder, Donovan, Gardner, Jahn, Kefalas, Lambert, Lundberg, Martinez Humenik, Neville T., Scott, Smallwood, Sonnenberg, Tate, Grantham.

AN ACT

CONCERNING A CLARIFICATION OF REQUIREMENTS GOVERNING THE FORMATION OF METROPOLITAN DISTRICTS, AND, IN CONNECTION THEREWITH, LIMITING THE INCLUSION OF AGRICULTURAL LAND WITHIN A METROPOLITAN DISTRICT PROVIDING PARK AND RECREATIONAL SERVICES AND CLARIFYING SIGNATURE REQUIREMENTS GOVERNING JUDICIAL APPROVAL OF A PETITION FOR ORGANIZATION OF A PROPOSED SPECIAL DISTRICT.

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

SECTION 1. In Colorado Revised Statutes, 32-1-307, **amend** (1) and (2) as follows:

32-1-307. Park and recreation districts - metropolitan districts providing parks and recreational facilities or programs - exclusion proviso. (1) Any provision of this part 3 to the contrary notwithstanding, no tract of land of forty acres or more used primarily and zoned for agricultural uses shall be included in any park and recreation district OR IN ANY METROPOLITAN DISTRICT PROVIDING PARKS OR RECREATIONAL FACILITIES AND PROGRAMS organized under this part 3 without the written consent of the owners thereof. No personal property which is situated upon real estate not included in such district shall be included within any park and recreation OR METROPOLITAN district. If, contrary to the provisions of this section, any such tract, parcel, or personal property is included in any park and recreation OR METROPOLITAN district, the owners thereof, on petition to the court, shall be entitled to have such property excluded from such district free and clear of any contract, obligation, lien, or charge to which it may be liable as a part of such district.

(2) If the use or zoning of any tract of land of forty acres or more lying within 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.

boundaries of any park and recreation district OR ANY METROPOLITAN DISTRICT PROVIDING PARKS OR RECREATIONAL FACILITIES AND PROGRAMS organized under the provisions of this part 3 has been or is changed from agricultural use or zoning to any other use or zoning designation, such lands and the personal property thereon shall no longer be excluded from said district and shall be subject to all obligations, liens, or charges of such district on and after January 1 of the year following such change in use or zoning.

SECTION 2. In Colorado Revised Statutes, 32-1-1004, **add** (6)(e) as follows:

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

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

(e) IN ACCORDANCE WITH SECTION 32-1-307 (1), NO TRACT OF LAND OF FORTY ACRES OR MORE USED PRIMARILY AND ZONED FOR AGRICULTURAL USES SHALL BE INCLUDED IN ANY METROPOLITAN DISTRICT PROVIDING PARKS OR RECREATIONAL FACILITIES AND PROGRAMS THAT IS ORGANIZED UNDER THIS ARTICLE 1 WITHOUT THE WRITTEN CONSENT OF THE OWNERS.

SECTION 3. In Colorado Revised Statutes, 32-1-301, **amend** (1) as follows:

32-1-301. Petition for organization. (1) After approval of the service plan pursuant to section 32-1-205 or 32-1-206 or after approval of the petition by the governing body of a municipality pursuant to section 32-1-205, the persons proposing the organization of a special district may file a petition for organization in the district court vested with jurisdiction of the county in which all or part of the real property in the proposed special district is situated. The petition shall be signed by not less than thirty percent or two hundred of the taxpaying electors of the proposed special district, whichever number is the smaller. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ONLY THOSE SIGNATURES OBTAINED AFTER THE APPROVAL OF THE SERVICE PLAN PURSUANT TO SECTION 32-1-205 OR 32-1-206 OR AFTER APPROVAL OF THE PETITION BY THE GOVERNING BODY OF A MUNICIPALITY PURSUANT TO SECTION 32-1-205 SHALL BE CONSIDERED BY THE DISTRICT COURT IN MAKING THE EVIDENTIARY FINDING CONCERNING THE REQUIRED NUMBER OF TAXPAYING ELECTORS OF THE PROPOSED SPECIAL DISTRICT THAT IS REQUIRED BY SECTION 32-1-305 (1).

SECTION 4. In Colorado Revised Statutes, 32-1-305, **amend** (1) as follows:

32-1-305. Court hearing - election - declaration of organization. (1) Except as otherwise provided in section 32-1-304.5, on the day fixed for the hearing provided in section 32-1-304 or at an adjournment thereof, the court shall first ascertain, from such evidence which may be adduced, that the required number of taxpaying electors of the proposed special district have signed the petition. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ONLY THOSE SIGNATURES OBTAINED AFTER THE APPROVAL OF THE SERVICE PLAN PURSUANT TO SECTION 32-1-205 OR 32-1-206 OR AFTER APPROVAL OF THE PETITION BY THE GOVERNING BODY OF A MUNICIPALITY PURSUANT TO SECTION 32-1-205 SHALL BE CONSIDERED BY THE DISTRICT COURT IN MAKING THE EVIDENTIARY FINDING THAT THE REQUIRED NUMBER OF TAXPAYING ELECTORS OF THE PROPOSED SPECIAL DISTRICT HAVE SIGNED THE PETITION IN ACCORDANCE WITH THIS SUBSECTION (1).

SECTION 5. Act subject to petition - effective date - applicability. (1) 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to court petitions for the organization of special districts that are filed on or after the applicable effective date of this act.

Approved: March 23, 2017