First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0061.01 Jason Gelender x4330 **SENATE BILL 13-145**

SENATE SPONSORSHIP

Giron, Kerr

HOUSE SPONSORSHIP

Hullinghorst,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

CONCERNING THE REALLOCATION OF THE CONSERVATION TRUST FUND TO A METROPOLITAN DISTRICT THAT PROVIDES PARKS AND RECREATION SERVICES WITHIN AND INCLUDES TERRITORY WITHIN THE UNINCORPORATED AREA OF A COUNTY ONLY.

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.)

For a metropolitan district (district) that provides parks and recreation services and includes territory exclusively within the

unincorporated area of a county that, as of January 1, 2013, has not pledged or otherwise used revenues from its share of conservation trust fund moneys to secure financing that has not yet been fully repaid for a specific project, the reallocation of conservation trust fund moneys is changed, over a 3-year phase-in period, from one-half of the percentage to the full percentage which the district's population within the county is to the total population of the unincorporated area of the county if the district:

- Has, as estimated in the July 1, 2012, special district total population estimate of the state demography office of the department of local affairs, 10,000 or more individuals residing within its territory;
- Has only elected board members;
- Provides only parks and recreation facilities that are open to the general public, including individuals who are not residents of the district; and
- When providing its annual certification that it is an entity eligible to receive a conservation trust fund allocation to the division of local government in the department of local affairs (division), informs the division that it prefers to receive a full percentage share.

A county must notify the division when it has fully repaid any financing secured by conservation trust fund moneys. The division may accept gifts, grants, and donations for the purpose of implementing the bill.

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

SECTION 1. In Colorado Revised Statutes, 29-21-101, **amend** (2) (a) (II) (A) and (4); and **add** (2) (a.5) as follows:

29-21-101. Conservation trust funds - definitions - notice of funding through gifts, grants, and donations - repeal. (2) (a) (II) Each county share shall be apportioned according to that percentage which the population of each county is to the total population of all counties, and, within each county, each municipality's share shall be apportioned according to the percentage which the population within each municipality is to the total population of the county in which such municipality is located. Each special district's share shall be determined

as follows:

(A) The special district's share relating to the unincorporated area of the county in which all or part of such special district is located shall be apportioned according to one-half of the percentage which the population of the special district's unincorporated area is to the total population of the unincorporated area of the county; EXCEPT THAT THE SPECIAL DISTRICT'S SHARE FOR A METROPOLITAN DISTRICT, AS DEFINED IN SECTION 32-1-103 (10), C.R.S., THAT PROVIDES PARKS AND RECREATION SERVICES EXCLUSIVELY WITHIN AND INCLUDES TERRITORY EXCLUSIVELY WITHIN THE UNINCORPORATED AREA OF A COUNTY SHALL BE APPORTIONED ACCORDING TO THE FULL PERCENTAGE WHICH THE POPULATION OF THE SPECIAL DISTRICT WITHIN THE COUNTY IS TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF THE COUNTY IF, AS ESTIMATED IN THE JULY 1, 2012, SPECIAL DISTRICT TOTAL POPULATION ESTIMATE OF THE STATE DEMOGRAPHY OFFICE OF THE DEPARTMENT OF LOCAL AFFAIRS, THE METROPOLITAN DISTRICT HAS TEN THOUSAND OR MORE INDIVIDUALS RESIDING WITHIN ITS TERRITORY; HAS ONLY ELECTED BOARD MEMBERS; PROVIDES ONLY PARKS AND RECREATION FACILITIES THAT ARE OPEN TO THE GENERAL PUBLIC, INCLUDING INDIVIDUALS WHO ARE NOT RESIDENTS OF THE DISTRICT; AND, WHEN PROVIDING ITS ANNUAL CERTIFICATION AS AN ELIGIBLE ENTITY TO THE DIVISION, INFORMS THE DIVISION THAT IT PREFERS TO RECEIVE A FULL PERCENTAGE SHARE. NOTWITHSTANDING THE QUALIFICATION OF A METROPOLITAN DISTRICT FOR A FULL PERCENTAGE SHARE APPORTIONMENT, FOR THE FIRST YEAR AND SECOND YEAR FOR WHICH THE DISTRICT IS SO QUALIFIED ITS SHARE SHALL BE RESPECTIVELY APPORTIONED ACCORDING TO FOUR-SIXTHS AND FIVE-SIXTHS OF THE PERCENTAGE WHICH THE POPULATION OF THE SPECIAL DISTRICT WITHIN

THE COUNTY IS TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF THE COUNTY UNLESS THE DISTRICT AND THE COUNTY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT THAT SPECIFIES ONE OR MORE OTHER APPORTIONMENT PERCENTAGES THAT ARE NO LESS THAN ONE-HALF OF THE PERCENTAGE AND NO MORE THAN THE FULL PERCENTAGE WHICH THE POPULATION OF THE SPECIAL DISTRICT'S UNINCORPORATED AREA IS TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF THE COUNTY FOR THOSE YEARS. If, as of January 1, 2013, a county has pledged or otherwise used revenues from its share of conservation trust fund moneys to secure financing for a specific project, each metropolitan district within the county, including each metropolitan district that provides parks and recreation services exclusively in the unincorporated area of the county, shall be apportioned a share equal to one-half of the percentage which the population of the metropolitan district is to the total population of the unincorporated area of the county until the county has repaid in full the financing secured by conservation trust fund moneys. A county shall notify the division when it has fully repaid any such financing. On or before August 1, 2013, a county that, as of January 1, 2013, has pledged or otherwise used revenues from its share to secure financing for a specific project shall notify the division that it has done so.

(a.5) (I) THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING THE AMENDMENT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) MADE BY SENATE BILL 13-___, ENACTED IN 2013; EXCEPT THAT THE DIVISION MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH SAID SUB-SUBPARAGRAPH

(A) OR ANY OTHER LAW OF THE STATE. THE DIVISION SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CONSERVATION TRUST FUND ALLOCATION EXPENSE FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PARAGRAPH (a.5) AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION AND TO THE GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE AMENDMENT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) MADE BY SENATE BILL 13-___, ENACTED IN 2013.

(II) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE DIVISION SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS TO IMPLEMENT THE AMENDMENT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) MADE BY SENATE BILL 13-___, ENACTED IN 2013, AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(III) THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2016.

(4) All moneys received from the state by each eligible entity pursuant to this section shall be deposited in its conservation trust fund and shall be expended only for the acquisition, development, and maintenance of new conservation sites or for ~~capital improvements or maintenance for recreational purposes on any public site~~ PARK AND RECREATION AREAS OR FACILITIES. An eligible entity shall not deposit any other moneys in its conservation trust fund. All interest earned on the

investment of moneys in a local conservation trust fund shall be credited to the fund and shall be expended only for purposes authorized by this article.

SECTION 2. Effective date. This act takes effect July 1, 2013.

SECTION 3. 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.