

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0469.01 Jason Gelender x4330

SENATE BILL 14-066

SENATE SPONSORSHIP

Steadman and Harvey,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REALLOCATION OF THE CONSERVATION TRUST FUND
102 TO A METROPOLITAN DISTRICT THAT PROVIDES PARKS AND
103 RECREATION SERVICES EXCLUSIVELY WITHIN AND INCLUDES
104 TERRITORY EXCLUSIVELY WITHIN THE UNINCORPORATED AREA
105 OF A COUNTY.

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/bills summaries>.)

For a metropolitan district (district) that provides parks and

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.

recreation services exclusively within and includes territory exclusively within the unincorporated area of a county that, as of January 1, 2014, 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 that the district's population within the county is to the total population of the unincorporated area of the county if the full percentage share will be at least \$7,500 and if the district:

- ! Has, as estimated in the July 1, 2013, 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.

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

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

4 **29-21-101. Conservation trust funds - definitions - notice of**
5 **funding through gifts, grants, and donations - conservation trust fund**
6 **allocation expense fund - created - repeal.** (2) (a) (II) Each county
7 share shall be apportioned according to that percentage which the
8 population of each county is to the total population of all counties, and,
9 within each county, each municipality's share shall be apportioned
10 according to the percentage which the population within each

1 municipality is to the total population of the county in which such
2 municipality is located. Each special district's share shall be determined
3 as follows:

4 (A) The special district's share relating to the unincorporated area
5 of the county in which all or part of such special district is located shall
6 be apportioned according to one-half of the percentage which the
7 population of the special district's unincorporated area is to the total
8 population of the unincorporated area of the county; EXCEPT THAT THE
9 SPECIAL DISTRICT'S SHARE FOR A METROPOLITAN DISTRICT, AS DEFINED IN
10 SECTION 32-1-103 (10), C.R.S., THAT PROVIDES PARKS AND RECREATION
11 SERVICES EXCLUSIVELY WITHIN AND INCLUDES TERRITORY EXCLUSIVELY
12 WITHIN THE UNINCORPORATED AREA OF A COUNTY SHALL BE APPORTIONED
13 ACCORDING TO THE FULL PERCENTAGE THAT THE POPULATION OF THE
14 SPECIAL DISTRICT WITHIN THE COUNTY IS TO THE TOTAL POPULATION OF
15 THE UNINCORPORATED AREA OF THE COUNTY IF THE FULL PERCENTAGE
16 SHARE WILL BE AT LEAST SEVEN THOUSAND FIVE HUNDRED DOLLARS AND
17 IF, AS ESTIMATED IN THE JULY 1, 2013, SPECIAL DISTRICT TOTAL
18 POPULATION ESTIMATE OF THE STATE DEMOGRAPHY OFFICE OF THE
19 DEPARTMENT OF LOCAL AFFAIRS, THE METROPOLITAN DISTRICT HAS TEN
20 THOUSAND OR MORE INDIVIDUALS RESIDING WITHIN ITS TERRITORY; HAS
21 ONLY ELECTED BOARD MEMBERS; PROVIDES ONLY PARKS AND RECREATION
22 FACILITIES THAT ARE OPEN TO THE GENERAL PUBLIC, INCLUDING
23 INDIVIDUALS WHO ARE NOT RESIDENTS OF THE DISTRICT; AND, WHEN
24 PROVIDING ITS ANNUAL CERTIFICATION AS AN ELIGIBLE ENTITY TO THE
25 DIVISION, INFORMS THE DIVISION THAT IT PREFERS TO RECEIVE A FULL
26 PERCENTAGE SHARE. NOTWITHSTANDING THE QUALIFICATION OF A
27 METROPOLITAN DISTRICT FOR A FULL PERCENTAGE SHARE

1 APPORTIONMENT, FOR THE FIRST YEAR AND SECOND YEAR FOR WHICH THE
2 DISTRICT IS SO QUALIFIED, ITS SHARE SHALL BE RESPECTIVELY
3 APPORTIONED ACCORDING TO FOUR-SIXTHS AND FIVE-SIXTHS OF THE
4 PERCENTAGE THAT THE POPULATION OF THE SPECIAL DISTRICT WITHIN THE
5 COUNTY IS TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF
6 THE COUNTY UNLESS THE DISTRICT AND THE COUNTY ENTER INTO AN
7 INTERGOVERNMENTAL AGREEMENT THAT SPECIFIES ONE OR MORE OTHER
8 APPORTIONMENT PERCENTAGES THAT ARE NO LESS THAN ONE-HALF OF THE
9 PERCENTAGE AND NO MORE THAN THE FULL PERCENTAGE WHICH THE
10 POPULATION OF THE SPECIAL DISTRICT'S UNINCORPORATED AREA IS TO THE
11 TOTAL POPULATION OF THE UNINCORPORATED AREA OF THE COUNTY FOR
12 THOSE YEARS. IF, AS OF JANUARY 1, 2013, A COUNTY HAS PLEDGED OR
13 OTHERWISE USED REVENUES FROM ITS SHARE OF CONSERVATION TRUST
14 FUND MONEYS TO SECURE FINANCING FOR A SPECIFIC PROJECT, EACH
15 METROPOLITAN DISTRICT WITHIN THE COUNTY, INCLUDING EACH
16 METROPOLITAN DISTRICT THAT PROVIDES PARKS AND RECREATION
17 SERVICES EXCLUSIVELY IN THE UNINCORPORATED AREA OF THE COUNTY,
18 SHALL BE APPORTIONED A SHARE EQUAL TO ONE-HALF OF THE
19 PERCENTAGE THAT THE POPULATION OF THE METROPOLITAN DISTRICT IS
20 TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF THE
21 COUNTY UNTIL THE COUNTY HAS REPAID IN FULL THE FINANCING SECURED
22 BY CONSERVATION TRUST FUND MONEYS. A COUNTY SHALL NOTIFY THE
23 DIVISION WHEN IT HAS FULLY REPAID ANY SUCH FINANCING. ON OR
24 BEFORE AUGUST 1, 2013, A COUNTY THAT, AS OF JANUARY 1, 2013, HAS
25 PLEDGED OR OTHERWISE USED REVENUES FROM ITS SHARE TO SECURE
26 FINANCING FOR A SPECIFIC PROJECT SHALL NOTIFY THE DIVISION THAT IT
27 HAS DONE SO.

1 (a.5) (I) THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
2 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
3 PURPOSES OF IMPLEMENTING THE AMENDMENT TO SUB-SUBPARAGRAPH
4 (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2)
5 MADE BY SENATE BILL 14-____, ENACTED IN 2014; EXCEPT THAT THE
6 DIVISION MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT
7 TO CONDITIONS THAT ARE INCONSISTENT WITH SAID SUB-SUBPARAGRAPH
8 (A) OR ANY OTHER LAW OF THE STATE. THE DIVISION SHALL TRANSMIT ALL
9 PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR
10 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
11 THE CONSERVATION TRUST FUND ALLOCATION EXPENSE FUND, WHICH
12 FUND IS HEREBY CREATED AND REFERRED TO IN THIS PARAGRAPH (a.5) AS
13 THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
14 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION AND TO THE
15 GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY FOR THE DIRECT AND
16 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE AMENDMENT TO
17 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF
18 THIS SUBSECTION (2) MADE BY SENATE BILL 14-____, ENACTED IN 2014.

19 (II) THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2017.

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

1 to the fund and shall be expended only for purposes authorized by this
2 article.

3 **SECTION 2. Effective date.** This act takes effect July 1, 2014.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.