

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0249.01 Bob Lackner

**HOUSE BILL 09-1013**

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**HOUSE SPONSORSHIP**

**Sonnenberg,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Finance  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING AN EXCEPTION TO STATUTORY REQUIREMENTS**  
102             **GOVERNING THE COLLECTION OF EXCESS PROPERTY TAX**  
103             **REVENUE BY URBAN RENEWAL AUTHORITIES IN CONNECTION**  
104             **WITH TAX INCREMENT FINANCING FOR CERTAIN SPECIAL**  
105             **DISTRICTS PROVIDING EMERGENCY SERVICES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Provides that, if the first property tax year in which the excess of any payment of property taxes is allocated and paid into a special fund in connection with tax increment financing by an urban renewal authority

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.*

commences on or after a specified date, no portion of any revenues from such excess that are allocated to any special district providing emergency services, including ambulance districts, fire protection districts, and certain metropolitan districts, shall be collected and paid into the special fund. In such cases, specifies that all revenues collected from the excess of any payment of property taxes shall be distributed to the special districts providing emergency services as if there were no requirement to pay the excess into a special fund.

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

2           **SECTION 1.** 31-25-107 (9) (a) (II), Colorado Revised Statutes,  
3 is amended to read:

4           **31-25-107. Approval of urban renewal plans by the local**  
5 **governing body.** (9) (a) Notwithstanding any law to the contrary, any  
6 urban renewal plan, as originally approved or as later modified pursuant  
7 to this part 1, may contain a provision that taxes, if any, levied after the  
8 effective date of the approval of such urban renewal plan upon taxable  
9 property in an urban renewal area each year or that municipal sales taxes  
10 collected within said area, or both such taxes, by or for the benefit of any  
11 public body shall be divided for a period not to exceed twenty-five years  
12 after the effective date of adoption of such a provision, as follows:

13           (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH (II),  
14 that portion of said property taxes or all or any portion of said sales taxes,  
15 or both, in excess of ~~such~~ THE amount OF PROPERTY TAXES LEVIED OR  
16 SALES TAXES COLLECTED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
17 PARAGRAPH (a) shall be allocated to and, when collected, paid into a  
18 special fund of the authority to pay the principal of, the interest on, and  
19 any premiums due in connection with the bonds of, loans or advances to,  
20 or indebtedness incurred by, whether funded, refunded, assumed, or  
21 otherwise, such authority for financing or refinancing, in whole or in part,

1 an urban renewal project, or to make payments under an agreement  
2 executed pursuant to subsection (11) of this section; EXCEPT THAT, IF THE  
3 FIRST PROPERTY TAX YEAR FOR WHICH THE EXCESS OF ANY PAYMENT OF  
4 PROPERTY TAXES IS ALLOCATED AND PAID INTO THE SPECIAL FUND IN  
5 ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBPARAGRAPH (II)  
6 COMMENCES ON OR AFTER JANUARY 1, 2009, NO PORTION OF ANY  
7 REVENUES FROM THE EXCESS THAT IS ALLOCATED TO ANY SPECIAL  
8 DISTRICT PROVIDING EMERGENCY SERVICES, INCLUDING WITHOUT  
9 LIMITATION AMBULANCE DISTRICTS, AS DEFINED IN SECTION 32-1-103 (1),  
10 C.R.S., FIRE PROTECTION DISTRICTS, AS DEFINED IN SECTION 32-1-103 (7),  
11 C.R.S., AND ANY METROPOLITAN DISTRICT, AS DEFINED IN SECTION  
12 32-1-103 (10), C.R.S., SHALL BE COLLECTED AND PAID INTO SUCH SPECIAL  
13 FUND. IN SUCH CASES, ALL REVENUES COLLECTED FROM THE EXCESS OF  
14 ANY PAYMENT OF PROPERTY TAXES SHALL BE DISTRIBUTED TO THE  
15 SPECIAL DISTRICTS PROVIDING EMERGENCY SERVICES AS IF THERE WERE  
16 NO REQUIREMENT TO PAY THE EXCESS INTO A SPECIAL FUND PURSUANT TO  
17 THIS SUBPARAGRAPH (II). IN THE CASE OF A METROPOLITAN DISTRICT  
18 PROVIDING EMERGENCY SERVICES, THE RESTRICTION IMPOSED BY THIS  
19 SUBPARAGRAPH (II) SHALL ONLY APPLY TO THAT PORTION OF ANY  
20 REVENUE FROM THE EXCESS THAT IS SPECIFICALLY ALLOCATED TO THE  
21 PROVISION OF EMERGENCY SERVICES. Any excess municipal sales tax  
22 collections not allocated pursuant to this subparagraph (II) shall be paid  
23 into the funds of the municipality. Unless and until the total valuation for  
24 assessment of the taxable property in an urban renewal area exceeds the  
25 base valuation for assessment of the taxable property in such urban  
26 renewal area, as provided in subparagraph (I) of this paragraph (a), all of  
27 the taxes levied upon the taxable property in such urban renewal area

1 shall be paid into the funds of the respective public bodies. Unless and  
2 until the total municipal sales tax collections in an urban renewal area  
3 exceed the base year municipal sales tax collections in such urban  
4 renewal area, as provided in subparagraph (I) of this paragraph (a), all  
5 such sales tax collections shall be paid into the funds of the municipality.  
6 When such bonds, loans, advances, and indebtedness, if any, including  
7 interest thereon and any premiums due in connection therewith, have been  
8 paid, all taxes upon the taxable property or the total municipal sales tax  
9 collections, or both, in such urban renewal area shall be paid into the  
10 funds of the respective public bodies.

11 **SECTION 2. Act subject to petition - effective date -**  
12 **applicability.** (1) This act shall take effect September 1, 2009.

13 (2) However, if a referendum petition is filed against this act or  
14 an item, section, or part of this act during the 90-day period after final  
15 adjournment of the general assembly that is allowed for submitting a  
16 referendum petition pursuant to article V, section 1 (3) of the state  
17 constitution, then the act, item, section, or part, shall not take effect unless  
18 approved by the people at a biennial regular general election and shall  
19 take effect on the date specified in subsection (1) or on the date of the  
20 official declaration of the vote thereon by proclamation of the governor,  
21 whichever is later.

22 (3) The provisions of this act shall apply to urban renewal projects  
23 commencing on or after the applicable effective date of this act.