A BILL FOR AN ACT

CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING URBAN REDEVELOPMENT AFFECTING PUBLIC BODIES IN CONNECTION WITH URBAN RENEWAL PROJECTS.

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 makes the following modifications to the "Urban Renewal Law" (URL):

Section 1 of the bill increases the maximum number of allowable commissioners on an urban renewal authority from 11 to 13. The bill specifies that one commissioner on
the authority may, if the county so chooses, be appointed by the board of county commissioners of the county within the territorial boundaries of which the urban renewal area is located. The bill specifies additional procedures if the urban renewal area is located within the boundaries of more than one county. The bill specifies additional requirements governing the appointment of this commissioner position.

In the case of the special fund established for the collection of taxes to implement tax increment financing by the authority, section 2 of the bill requires all moneys remaining in the fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body within the boundaries of the urban renewal area to be repaid to each taxing body, other than the municipality, based on the prorata share of the total mill levy attributable to each taxing body's mill levy in the last year in which property taxes were divided. Any funds remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement.

Section 3 of the bill allows a commissioner of the authority to be appointed by the board of county commissioners where the governing body of the municipality is the authority.

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

SECTION 1. In Colorado Revised Statutes, 31-25-104, amend (2) (a) and (2) (b) as follows:

31-25-104. Urban renewal authority. (2) (a) (I) An authority shall consist of any odd number of commissioners which shall consist of not less than five nor more than thirteen commissioners, each of whom shall be appointed by the mayor, who shall designate the chairman for the first year; Such EXCEPT THAT, IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA OTHER THAN THE MUNICIPALITY, ONE SUCH
COMMISSIONER ON THE AUTHORITY MAY, IF THE COUNTY SO CHOOSES, BE
APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
WITHIN THE TERRITORIAL BOUNDARIES OF WHICH THE URBAN RENEWAL
AREA IS LOCATED.

(II) IF THE URBAN RENEWAL AREA IS LOCATED WITHIN THE
BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY
THE BOARD OF COMMISSIONERS OF THE COUNTY THAT HAS THE LARGEST
POPULATION RESIDING WITHIN THE BOUNDARIES OF THE URBAN RENEWAL
AUTHORITY AREA, UNLESS THE COUNTY WITH THE LARGEST POPULATION
ELECTS TO DELEGATE THE APPOINTMENT TO THE BOARD OF
COMMISSIONERS OF THE COUNTY WITH THE SECOND LARGEST POPULATION
RESIDING WITHIN THE URBAN RENEWAL AREA. THE COUNTY WITH THE
SECOND LARGEST POPULATION MAY SIMILARLY DELEGATE ITS
APPOINTMENT AUTHORITY TO THE BOARD OF COMMISSIONERS OF ANY
OTHER COUNTY WITHIN THE TERRITORIAL BOUNDARIES OF WHICH THE
URBAN RENEWAL AREA IS LOCATED.

(III) IF NO COUNTY APPOINTS A COMMISSIONER TO THE
AUTHORITY, THEN THE COUNTY APPOINTMENT REMAINS VACANT UNTIL
SUCH TIME, IF EVER, AS A COUNTY THROUGH ITS BOARD OF
COMMISSIONERS MAKES AN APPOINTMENT PURSUANT TO THIS PARAGRAPH
(a).

(IV) IF THE APPOINTING COUNTY IS A CITY AND COUNTY, THE
REQUIREMENTS OF THIS PARAGRAPH (a) PERTAINING TO COUNTY
REPRESENTATION ON THE AUTHORITY NEED NOT BE SATISFIED.

(V) IF A COUNTY'S APPOINTMENT OF A COMMISSIONER CAUSES THE
AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THEN THE
MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN
ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. ALL MAYORAL
appointments and designation shall be CHAIR DESIGNATIONS ARE subject
to approval by the governing body OF THE MUNICIPALITY WITHIN WHICH
THE AUTHORITY HAS BEEN ESTABLISHED. Not more than one of the
commissioners APPOINTED BY THE MAYOR may be an official of the
municipality.

(VI) In the event that an official of the municipality is appointed
as commissioner of an authority, acceptance or retention of such
appointment shall not be IS NOT deemed a forfeiture of his OR HER office,
or incompatible therewith, or AND DOES NOT affect his OR HER tenure or
compensation in any way. The term of office of a commissioner of an
authority who is a municipal official shall IS not be affected or curtailed
by the expiration of the term of his OR HER municipal office.

(b) The commissioners who are first appointed shall MUST be
designated by the mayor to serve for staggered terms so that the term of
at least one commissioner will expire each year. Thereafter, the term of
office shall be IS five years. A commissioner shall hold HOLDS office until
his OR HER successor has been appointed and has qualified. Vacancies
other than by reason of expiration of terms shall MUST be filled by the
mayor for the unexpired term; EXCEPT THAT, IN THE CASE OF A
COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE
BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (a) OF
THIS SUBSECTION (2), A VACANCY ON THE AUTHORITY FOR THE BALANCE
OF THE UNEXPIRED TERM MUST BE FILLED BY THE BOARD OF
COMMISSIONERS OF THE COUNTY THAT MADE THE ORIGINAL
APPOINTMENT. A majority of the commissioners shall constitute
CONSTITUTES a quorum. The mayor shall file with the clerk a certificate
of the appointment or reappointment of any commissioner, and such
certificate shall be conclusive evidence of the due and proper
appointment of such commissioner. A commissioner shall receive
RECEIVES no compensation for his OR HER services, but he shall be IS
entitled to the necessary expenses, including traveling expenses, incurred
in the discharge of his OR HER duties.

SECTION 2. In Colorado Revised Statutes, 31-25-107, amend
(9) (a) introductory portion and (9) (a) (II) as follows:

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

(II) That portion of said property taxes or all or any portion of said
sales taxes, or both, in excess of the amount of property taxes or sales
taxes paid into the funds of each such public body in accordance with the
requirements of subparagraph (I) of this paragraph (a) shall MUST be allocated to and, when collected, paid into a special fund of the authority
to pay the principal of, the interest on, and any premiums due in
connection with the bonds of, loans or advances to, or indebtedness
incurred by, whether funded, refunded, assumed, or otherwise, the
authority for financing or refinancing, in whole or in part, an urban
renewal project, or to make payments under an agreement executed
pursuant to subsection (11) of this section. Any excess municipal sales tax
collections not allocated pursuant to this subparagraph (II) shall be
paid into the funds of the municipality. Unless and until the total
valuation for assessment of the taxable property in an urban renewal area
exceeds the base valuation for assessment of the taxable property in such
urban renewal area, as provided in subparagraph (I) of this paragraph (a),
all of the taxes levied upon the taxable property in such urban renewal
area shall be paid into the funds of the respective public bodies.

Unless and until the total municipal sales tax collections in an urban
renewal area exceed the base year municipal sales tax collections in such
urban renewal area, as provided in subparagraph (I) of this paragraph (a),
all such sales tax collections shall be paid into the funds of the
municipality. When such bonds, loans, advances, and indebtedness, if
any, including interest thereon and any premiums due in connection
therewith, have been paid, all taxes upon the taxable property or the total
municipal sales tax collections, or both, in such urban renewal area shall
be paid into the funds of the respective public bodies, AND ALL
MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO
THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND
THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON
THE MILL LEVY OF A TAXING BODY WITHIN THE BOUNDARIES OF THE
URBAN RENEWAL AREA MUST BE REPAID TO EACH TAXING BODY, OTHER
THAN THE MUNICIPALITY, BASED ON THE PRO RATA SHARE OF THE TOTAL
MILL LEVY ATTRIBUTABLE TO EACH TAXING BODY’S MILL LEVY IN THE
LAST YEAR IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS
SUBSECTION (9). ANY MONEYS REMAINING IN THE SPECIAL FUND NOT
GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY
Such repayment requirement.

SECTION 3. In Colorado Revised Statutes, 31-25-115, add (1.5) as follows:

31-25-115. Transfer - abolishment. (1.5) When the governing body of a municipality designates itself as the authority or transfers an existing authority to the governing body pursuant to subsection (1) of this section, one commissioner of the authority may be appointed by the board of commissioners of a county in accordance with the procedures specified in section 31-25-104 (2) (a).

SECTION 4. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Sections 1 and 3 of this act amending sections 31-25-104 and 31-25-115, Colorado Revised Statutes, apply to any urban renewal authority established under said section 31-25-104 or 31-25-115 prior to, on, or after the effective date of this act.

(3) Section 2 of this act amending section 31-25-107, Colorado Revised Statutes, applies to any urban renewal area created on or after January 1, 2016, under an urban renewal plan that contains a provision
1 authorizing the levying of taxes in accordance with section 31-25-107 (9),

2 Colorado Revised Statutes.