

C.R.S.A. § 32-13-101
§ 32-13-101. Short title

This article shall be known as the “Scientific and Cultural Facilities District Act”.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987.

C. R. S. A. § 32-13-101, CO ST § 32-13-101

Current with all legislation effective through August 15, 2018, and including CHs. 75, 79, 109, 157, 202, 205, 261, 266, 307, 315, 392, of the Second Regular Session of the 71st General Assembly (2018)

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C.R.S.A. § 32-13-102
§ 32-13-102. Legislative declaration

The general assembly hereby finds, determines, and declares that the scientific and cultural facilities located in the state of Colorado are a rich source of knowledge and inspiration to all of the residents of the state, that the preservation and development of such facilities are vital to the cultural and intellectual life of the state, that scientific and cultural facilities are an important factor to the economic well-being of the state, that economic development and tourism are needed to maintain and to promote such facilities, and that creation of scientific and cultural facilities districts will promote the health, safety, and welfare of the residents of the state.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987.

C. R. S. A. § 32-13-102, CO ST § 32-13-102

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C.R.S.A. § 32-13-103
§ 32-13-103. Definitions
Effective: January 1, 2017

As used in this article, unless the context otherwise requires:

(1) “Annual operating expenses” means expenditures for all purposes except capital construction, endowment, and payment of debt principal or interest.

(1.5) “Annual operating income” means operating income from all mission-based sources, except capital construction fund income, designated funds raised for the purchase of specified capital needs, unrelated business income, funds raised for the purpose of debt reduction, income for endowment corpus, any distribution of moneys by the board, and any restriction established through board policy.

(2) “Board” means the board of directors of a scientific and cultural facilities district created pursuant to this article.

(3) “County cultural council” means a council comprised of members appointed by the county commissioners of the county, the city council of the city and county of Denver, or the city council of the city and county of Broomfield who reside within the boundaries of the district and proportionately represent the population of the incorporated and unincorporated portions of the county.

(4) “Cultural facility” means a nonprofit institutional organization under section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, or any agency of local government with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, or cultural history, as such terms are defined by the board. “Cultural facility” does not include any agency of the state, any educational institution, any radio or television broadcasting network or station, any cable communications system, or any newspaper or magazine.

(5) “District” means a scientific and cultural facilities district created pursuant to this article.

(6) “Paid attendance” means the total paid attendance at all mission-based programs as verified by annual audit reports.

(6.5) “Reasonable costs related to a coordinated election” means the amount that the district owes a county or a city and county under the terms of an agreement entered into pursuant to the provisions of section 1-7-116, C.R.S., for the district’s share of the costs of a coordinated election; except that such amount shall not exceed the total county or city and county election costs multiplied by one-half of the sum of the weighted population average and the weighted ballot average. Weighted population average equals the active registered voters who reside in both the district and the county or city and county divided by the sum of all active registered voters for each political subdivision, as such term is defined in section 1-7-116(1), C.R.S., for which the county or city and county conducts the coordinated election. Weighted ballot average equals the number of district referred measures, as such term is defined in section 1-1-104(34.5), C.R.S., on the ballot in question divided by the total number of referred measures, initiatives, and candidate elections in the coordinated election.

(7)(a) With respect to the Denver metropolitan scientific and cultural facilities district, “scientific facility” means a nonprofit institutional organization under section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, or an agency

of local government with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of natural history or natural sciences including earth, life, or physical sciences, as such terms are defined by the board. “Scientific facility” does not include any agency of the state, any educational institution, any radio or television broadcasting network or station, any cable communications system, any newspaper or magazine, or any organization that is engaged solely in the acquisition or physical restoration of historic buildings, structures, or sites.

(b)(I) With respect to scientific and cultural facilities districts other than the Denver metropolitan scientific and cultural facilities district, “scientific facility” means a nonprofit institutional organization under section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, or an agency of local government with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of natural history or natural sciences including earth, life, or physical sciences, as such terms are defined by the board. “Scientific facility” does not include any agency of the state, any educational institution, any radio or television broadcasting network or station, any cable communications system, or any newspaper or magazine.

(II) Deleted by Laws 1994, H.B.94-1223, § 1, eff. March 31, 1994.

(c) For purposes of this subsection (7), “cultural history” means the history that concentrates upon the social, intellectual, and artistic aspects or forces in the life of a people, region, state, or nation, for which an understanding and appreciation may be gained through buildings, structures, sites, architecture, objects, and activities significant in said history.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1992, S.B.92-119, § 1, eff. April 24, 1992; Laws 1994, H.B.94-1223, § 1, eff. March 31, 1994; Laws 2001, Ch. 103, § 9, eff. Nov. 15, 2001; Laws 2004, Ch. 88, § 1, eff. July 1, 2006; Laws 2006, Ch. 354, § 2, eff. June 6, 2006; Laws 2016, Ch. 135, § 1, eff. Jan. 1, 2017.

C. R. S. A. § 32-13-103, CO ST § 32-13-103

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C.R.S.A. § 32-13-104
§ 32-13-104. Creation of district--area of district

There is hereby created a district to be known and designated as the “Denver Metropolitan Scientific and Cultural Facilities District”. The area comprising the district shall consist of all of the area within the boundaries of the counties of Adams, Arapahoe, Boulder, and Jefferson, all of the area within the boundaries of the city and county of Broomfield and the city and county of Denver, and all of the area within the county of Douglas; except that the area within the boundaries of the town of Castle Rock and the area within the boundaries of the town of Larkspur in the county of Douglas shall not be included in the district.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1994, H.B.94-1344, § 4, eff. May 25, 1994; Laws 1996, H.B.96-1023, § 4, eff. April 13, 1996; Laws 1999, Ch. 144, § 4, eff. April 30, 1999; Laws 2004, Ch. 88, § 2, eff. July 1, 2006.

C. R. S. A. § 32-13-104, CO ST § 32-13-104

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C.R.S.A. § 32-13-104.3

§ 32-13-104.3. Additional district area--petition--required filings

(1) For any area that is contiguous to any boundary of the district, the area may be included in the district if the following requirements are satisfied:

(a) A petition signed by one hundred percent of the owners of the land comprising the area proposed to be included, including the owners of any land constituting a planned unit development or subdivision, is presented to the board. The petition shall contain a legal description of the land comprising the area proposed to be included, state that assent to the inclusion is given by the fee owner thereof, and be acknowledged by the fee owner in the same manner as required for the conveyance of land.

(b) The board resolves to accept the area specified in the petition into the district.

(2) Prior to including any additional area in the district pursuant to this section, the district shall file a notice and map containing a legal description of the area with the county clerk and recorder of any county in which the area is located, the division of local government in the department of local affairs, and the department of revenue. Upon receiving a notice and map pursuant to this subsection (2), the department of revenue shall communicate with any taxing jurisdictions affected by the inclusion of the additional area in the district in order to facilitate the administration and collection of taxes within the additional area and to identify all retailers affected by the inclusion of the additional area. The department of revenue shall make copies of any such notices and maps available to all taxing jurisdictions in the state, including special districts that impose a sales tax.

(3) A map of the land comprising the area proposed to be included in the district shall be available for review by the landowners of such area when the landowners sign a petition to be included in the district pursuant to paragraph (a) of subsection (1) of this section.

Credits

Added by Laws 2004, Ch. 258, § 1, eff. Aug. 4, 2004.

C. R. S. A. § 32-13-104.3, CO ST § 32-13-104.3

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C.R.S.A. § 32-13-104.5
§ 32-13-104.5. Additional district area--Douglas county
Effective: April 29, 2016

(1) In addition to the areas described in section 32-13-104, all or any portion of the area within the boundaries of Douglas county that is not included in the Denver metropolitan scientific and cultural facilities district but is contiguous with the district may be included in the district if the following requirements are met:

(a) A proposal to include the area proposed to be included in the district is initiated by any of the following methods:

(I) A petition requesting an election for the purpose of including the area proposed to be included in the district is signed by at least five percent of the eligible electors of the unincorporated portion of such area and of each portion of such area that is within a municipality; or

(II) The governing bodies of all municipalities that include portions of the area proposed to be included in the district and the board of county commissioners of Douglas county adopt resolutions requesting an election for the purpose of including the area in the district. The board of county commissioners of Douglas county shall adopt such a resolution only after all municipalities that include portions of the areas proposed to be included have adopted such resolutions.

(b) An election is held and conducted in accordance with articles 1 to 13 of title 1, C.R.S., and the following requirements:

(I) The election is held at a general or odd-year election not later than 2025, as determined by intergovernmental agreement of the governing bodies of all municipalities that include portions of the area proposed to be included in the district and the board of county commissioners of Douglas county;

(II) The ballot provides for the eligible electors in the area proposed to be included in the district to vote for or against the inclusion of the proposed area in the district;

(III) The ballot is in a single form determined by intergovernmental agreement of the governing bodies of all municipalities that include portions of the area proposed to be included in the district and the board of county commissioners of Douglas county;

(IV) The ballot contains a description of the area proposed to be included within the district;

(V) The ballot contains the current rates of sales tax levied by the district; and

(VI) The ballot contains the following question: "Shall the area described in the ballot be included in the Denver metropolitan cultural and scientific facilities district?"

(2) The governing bodies of all municipalities that include portions of the area proposed to be included in the district and the board of county commissioners of Douglas county shall, pursuant to an intergovernmental agreement, adopt resolutions calling the election authorized by this section. The resolutions shall state:

- (a) The object and purpose of the election;
- (b) A description of the area proposed to be included in the district;
- (c) The date of the election; and
- (d) The name of the designated election official responsible for conducting the election pursuant to articles 1 to 13 of title 1, C.R.S.

Credits

Added by Laws 1998, Ch. 130, § 1, eff. April 20, 1998. Amended by Laws 1999, Ch. 150, § 9, eff. Aug. 4, 1999; Laws 2004, Ch. 88, § 3, eff. July 1, 2006; Laws 2016, Ch. 135, § 2, eff. April 29, 2016.

C. R. S. A. § 32-13-104.5, CO ST § 32-13-104.5

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C.R.S.A. § 32-13-104.7
§ 32-13-104.7. Annexation of enclaves

(1) When any unincorporated territory has been entirely contained within the boundaries of the Denver metropolitan scientific and cultural facilities district, the board may, by resolution, annex the territory to the district. The board shall give notice of a proposed annexation resolution by publishing a copy of the resolution once a week for four successive weeks in a newspaper of general circulation in the territory proposed to be annexed. The board shall also send a copy of the proposed annexation resolution by registered mail to the board of county commissioners and county attorney of the county containing the territory to be annexed, to any special district or school district having territory within the territory to be annexed, and to the executive director of the department of revenue. The first publication of the notice and the mailing of the proposed annexation resolution shall occur at least thirty days prior to the final adoption of the resolution, and the board shall allow interested persons to testify for or against the resolution at a public hearing held prior to the final adoption of the resolution.

(2) No territory may be annexed pursuant to subsection (1) of this section if any part of the district boundary or area surrounding the territory consists of public rights-of-way, including streets and alleys, that are not immediately adjacent to the district on the side of the right-of-way opposite to the territory.

Credits

Added by Laws 2001, Ch. 238, § 2, eff. Aug. 8, 2001.

C. R. S. A. § 32-13-104.7, CO ST § 32-13-104.7

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C.R.S.A. § 32-13-105
§ 32-13-105. Authorizing elections--repeal
Effective: July 1, 2018

(1) Repealed by Laws 2016, Ch. 135, § 7, eff. April 29, 2016.

(2) Repealed by Laws 2016, Ch. 135, § 7, eff. April 29, 2016.

(3) Repealed by Laws 2016, Ch. 135, § 7, eff. April 29, 2016.

(4) Repealed by Laws 2016, Ch. 135, § 7, eff. April 29, 2016.

(5) Repealed by Laws 2016, Ch. 135, § 3, eff. July 1, 2018.

(6) Repealed by Laws 1994, H.B.94-1222, § 1, eff. Nov. 8, 1994.

(7)(a) The provisions of article 40 of title 1, C.R.S., regarding the following subject matter shall apply to petitions that may be submitted pursuant to this section: Form requirements and approval; circulation of petitions; elector information and signatures on petitions; affidavits and requirements of circulators of petitions; and verification of signatures, including but not limited to cure of an insufficiency of signatures and protests regarding sufficiency statements and procedures for hearings or further appeals regarding such protests. The provisions of article 40 of title 1, C.R.S., regarding review and comment, the setting of a ballot title, including but not limited to the duties of the title board, rehearings, and appeals, and the number of signatures required shall not apply to petitions that may be submitted pursuant to this section.

(b) Any petition shall be filed with the secretary of state at least three months before the general election or the election held on the first Tuesday of November in an odd-numbered year, whichever is applicable, at which it may be voted upon. Notice of any question to be submitted to the registered electors within the geographical boundaries of the district after verification of the signatures on any petition filed with the secretary of state and at which election such question shall be submitted shall be filed by the board in the office of the secretary of state prior to fifty-five days before such election.

(c) Notice of any question to be submitted to the registered electors within the geographical boundaries of the district upon the adoption of a resolution by the board of the district pursuant to this section and at which election such question shall be submitted shall be filed in the office of the secretary of state prior to fifty-five days before such election.

(8) The provisions of this section shall not be applicable if the authority of the district to levy and collect any sales and use taxes approved by the registered electors or to continue to levy and collect any sales and use taxes approved by the registered electors has expired pursuant to the provisions of this article.

(9) Repealed by Laws 2016, Ch. 135, § 7, eff. April 29, 2016.

(10)(a) For purposes of complying with the provisions of section 20(4) of article X of the state constitution and upon proper submittal of a valid initiative petition to or upon the adoption of a resolution by the board, the district may submit to the

registered electors within the geographical boundaries of the district, at a general election or an election held on the first Tuesday in November of an odd-numbered year, the question of whether the district shall be authorized to continue the levy and collection of the aggregate one-tenth of one percent sales and use tax as specified in paragraph (a) of subsection (5) of this section, as it existed on April 29, 2016, for a period not to exceed twelve years from the date upon which the authority of the district to levy and collect the sales and use taxes is scheduled to expire, as follows:

(I) A uniform sales and use tax throughout said geographical area at a rate of sixty-four one-thousandths of one percent for total annual revenues collected by the district up to and including thirty-eight million dollars and at a rate of fifty-seven one-thousandths of one percent after total annual revenues collected by the district exceed thirty-eight million dollars, upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales and use tax shall not be levied on the sale or use of aviation fuel, to be distributed to the Denver museum of nature and science, the Denver zoological gardens, the Denver art museum, the Denver botanical gardens, and the Denver center for the performing arts pursuant to the provisions of section 32-13-107(3)(a);

(II) A uniform sales and use tax throughout said geographical area at a rate of twenty-two one-thousandths of one percent for total annual revenues collected by the district up to and including thirty-eight million dollars and at a rate of twenty-six one-thousandths of one percent after total annual revenues collected by the district exceed thirty-eight million dollars, upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales and use tax shall not be levied on the sale or use of aviation fuel, to be distributed to scientific and cultural facilities pursuant to the provisions of section 32-13-107(3)(b); and

(III) A uniform sales and use tax throughout said geographical area at a rate of fourteen one-thousandths of one percent for total annual revenues collected by the district up to and including thirty-eight million dollars and at a rate of seventeen one-thousandths of one percent after total annual revenues collected by the district exceed thirty-eight million dollars, upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales and use tax shall not be levied on the sale or use of aviation fuel, to be distributed to scientific and cultural facilities pursuant to the provisions of section 32-13-107(3)(c).

(b) A resolution or the summary for a petition pursuant to paragraph (a) of this subsection (10) shall include, but shall not be limited to, the following statements:

(I) That the district would continue to levy and collect the aggregate one-tenth of one percent sales and use tax as specified in paragraph (a) of subsection (5) of this section for a period not to exceed twelve years from the date upon which the authority of the district to levy and collect the sales and use taxes is scheduled to expire; and

(II) The month, day, and year on which the authority of the district to levy and collect the sales and use taxes shall expire.

(c) The district may submit the question set forth in paragraph (a) of this subsection (10) to the registered electors of the district:

(I) After being presented with a petition requesting the submittal of the question that is signed by registered electors within the geographical boundaries of the district in an amount equal to at least five percent of the total number of votes cast within the geographical boundaries of the district for all candidates for the office of secretary of state at the previous general election and after verification of the signatures on the petition by the secretary in accordance with subsection (7) of this section; or

(II) After the adoption of a resolution by the board.

(d)(I) Except as otherwise provided in subparagraph (III) of this paragraph (d), at the election, the question appearing on the ballot shall be as follows:

“SHALL THERE BE AN EXTENSION UNTIL JUNE 30, 2030, OF THE AGGREGATE 0.1 PERCENT SALES AND USE TAXES CURRENTLY LEVIED AND COLLECTED BY THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT THAT ARE SCHEDULED TO EXPIRE ON JUNE 30, 2018, FOR ASSISTING SCIENTIFIC AND CULTURAL FACILITIES WITHIN THE DISTRICT, WHILE AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN, AND SPEND ALL REVENUE GENERATED BY SUCH TAX IN EXCESS OF THE LIMITATION PROVIDED IN ARTICLE X OF SECTION 20 OF THE COLORADO CONSTITUTION AND WHILE MODIFYING THE RATES OF THE THREE INDIVIDUAL SALES AND USE TAXES COLLECTED BY THE DISTRICT AS FOLLOWS: FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT UP TO THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .0655 PERCENT SALES AND USE TAX TO .064 PERCENT; INCREASING THE .021 PERCENT SALES AND USE TAX TO .022 PERCENT; AND INCREASING THE .0135 PERCENT SALES AND USE TAX TO .014 PERCENT; AND, FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT THAT EXCEED THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .064 PERCENT SALES AND USE TAX TO .057 PERCENT; INCREASING THE .022 PERCENT SALES AND USE TAX TO .026 PERCENT; AND INCREASING THE .014 PERCENT SALES AND USE TAX TO .017 PERCENT?”

(II) Except as otherwise provided in subparagraph (III) of this paragraph (d), the ballot title shall be a statement of the language included in the question set forth in subparagraph (I) of this paragraph (d); except that the words “SHALL THERE BE” shall not be included in the statement, and the statement shall end with a period instead of a question mark.

(III) The ballot question specified in subparagraph (I) of this paragraph (d) and the ballot title specified in subparagraph (II) of this paragraph (d) may be modified by the proponents of an initiative petition or the board, as applicable, only to the extent necessary to conform to the requirements of any final decision of a district or appellate court regarding the legal requirements for ballot questions and titles.

(IV) If at any election a majority of the registered electors within the geographical boundaries of the district voting on the question vote affirmatively on the question authorizing the district to continue the levy and collection of the sales and use taxes specified in paragraph (a) of subsection (5) of this section, as modified pursuant to subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (10), until June 30, 2030, then such sales and use taxes shall continue to be levied, collected, and distributed as provided for in this article until said date.

(e) Repealed by Laws 2016, Ch. 135, § 3, eff. April 29, 2016.

(f) All of the electors within the area of the boundaries of the counties of Adams, Arapahoe, Boulder, and Jefferson, all of the electors within the boundaries of the city and county of Broomfield and the city and county of Denver, and all of the electors within Douglas county excluding the electors within the boundaries of the town of Castle Rock or the town of Larkspur, are eligible electors for the purpose of the election to be held pursuant to this subsection (10).

(11)(a) For purposes of complying with the provisions of section 20(4) of article X of the state constitution and upon proper submittal of a valid initiative petition to or upon the adoption of a resolution by the board, the district may submit to the registered electors within the geographical boundaries of the district, at a general election or an election held on the first Tuesday in November of an odd-numbered year, the question of whether the district shall be authorized to continue the levy

and collection of the aggregate one-tenth of one percent sales and use tax as specified in paragraph (a) of subsection (10) of this section for a period not to exceed twelve years from the date upon which the authority of the district to levy and collect the sales and use taxes is scheduled to expire.

(b) A resolution or the summary for a petition pursuant to paragraph (a) of this subsection (11) shall include, but not be limited to, the following statements:

(I) That the district would continue to levy and collect the aggregate one-tenth of one percent sales and use tax as specified in paragraph (a) of subsection (10) of this section for a period not to exceed twelve years from the date upon which the authority of the district to levy and collect the sales and use taxes is scheduled to expire; and

(II) The month, day, and year on which the authority of the district to levy and collect the sales and use taxes expires.

(c) The district may submit the question set forth in paragraph (a) of this subsection (11) to the registered electors of the district:

(I) After being presented with a petition requesting the submittal of the question that is signed by registered electors within the geographical boundaries of the district in an amount equal to at least five percent of the total number of votes cast within the geographical boundaries of the district for all candidates for the office of secretary of state at the previous general election and after verification of the signatures on the petition by the secretary in accordance with subsection (7) of this section; or

(II) After the adoption of a resolution by the board.

(d)(I) Except as otherwise provided in subparagraph (III) of this paragraph (d), at the election, the question appearing on the ballot shall be as follows:

“SHALL THERE BE AN EXTENSION UNTIL (MONTH, DAY, AND YEAR) OF THE AGGREGATE 0.1 PERCENT SALES AND USE TAXES CURRENTLY LEVIED AND COLLECTED BY THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT THAT ARE SCHEDULED TO EXPIRE ON (MONTH, DAY, AND YEAR) FOR ASSISTING SCIENTIFIC AND CULTURAL FACILITIES WITHIN THE DISTRICT, WHILE AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN, AND SPEND ALL REVENUE GENERATED BY SUCH TAX IN EXCESS OF THE LIMITATION PROVIDED IN ARTICLE X OF SECTION 20 OF THE COLORADO CONSTITUTION?”

(II) Except as otherwise provided in subparagraph (III) of this paragraph (d), the ballot title is a statement of the language included in the question set forth in subparagraph (I) of this paragraph (d); except that the words “SHALL THERE BE” are not included in the statement, and the statement ends with a period instead of a question mark.

(III) The ballot question specified in subparagraph (I) of this paragraph (d) and the ballot title specified in subparagraph (II) of this paragraph (d) may be modified by the proponents of an initiative petition or the board, as applicable, only to the extent necessary to conform to the requirements of any final decision of a district or appellate court regarding the legal requirements for ballot questions and titles.

(IV) If at any election a majority of the registered electors within the geographical boundaries of the district voting on the question vote affirmatively on the question authorizing the district to continue the levy and collection of the sales and use taxes specified in paragraph (a) of subsection (10) of this section until the date specified in the question, then such sales and use taxes shall continue to be levied, collected, and distributed as provided for in this article until said date.

(e) The provisions of this subsection (11) are applicable only if prior voter approval is obtained to levy and collect the sales and use taxes specified in paragraph (a) of subsection (10) of this section.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1994, H.B.94-1222, §§ 1, 2, eff. March 31, 1994; Laws 1995, H.B.95-1241, § 111, eff. July 1, 1995; Laws 2004, Ch. 88, §§ 4, 5, eff. Aug. 4, 2004; Laws 2004, Ch. 277, § 7, eff. July 1, 2004; Laws 2005, Ch. 217, § 66, eff. June 1, 2005; Laws 2006, Ch. 308, § 52, eff. June 1, 2006; Laws 2009, Ch. 354, § 7, eff. July 1, 2009; Laws 2016, Ch. 135, §§ 3, 7 eff. April 29, 2016.

Notes of Decisions (2)

C. R. S. A. § 32-13-105, CO ST § 32-13-105

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C.R.S.A. § 32-13-106
§ 32-13-106. Board of directors--powers and duties
Effective: April 29, 2016

(1) The district created in section 32-13-104 shall be governed by a board of directors, to be appointed as follows:

(a) One director each shall be appointed by the boards of county commissioners of each county in the district, one director shall be appointed by the city council of the city and county of Denver, one director shall be appointed by the city council of the city and county of Broomfield; and

(b) If an odd number of directors is appointed pursuant to paragraph (a) of this subsection (1), four directors shall be appointed by the governor, and if an even number of directors is appointed pursuant to paragraph (a) of this subsection (1), three directors shall be appointed by the governor; except that the total number of directors appointed pursuant to this subsection (1) shall not exceed eleven. In the event that a new county or city and county elects a director pursuant to paragraph (a) of this subsection (1) that would cause the number of directors to exceed eleven, the longest-serving director appointed by the governor shall become an ex officio director of the board and shall no longer have the authority to vote in any board action pursuant to subsection (3) of this section. The directors appointed by the governor shall be individuals who represent different segments of society, including, but not limited to, business, education, government, accounting, and foundation management.

(c) A director appointed pursuant to this subsection (1) shall be appointed to serve for a term of three years, but no director shall serve more than two succeeding terms. Any such director may be removed at any time during his or her term by the appointing authority. The board shall be appointed prior to the submission to the registered electors of the district of the question specified in section 32-13-105.

(2) The board shall have the following powers and duties:

(a) To fix the time and place at which its regular meetings shall be held. Meetings shall be held within the district and shall be open to the public.

(b) To adopt and amend rules of procedure;

(c) To select a chairman;

(d) To hire such staff as may be necessary to assist the board in its duties;

(e) To enter into contracts including but not limited to contracts for the provision of cultural services for the district;

(f) To sue and be sued;

(g) To decide at which election the question specified in section 32-13-105 shall be submitted to the registered electors;

(g.5) To submit any question specified in section 32-13-105 to the registered electors within the geographical boundaries of the district at the appropriate election upon the proper submittal of a valid initiative petition to or upon the adoption of a resolution by the district;

(h) To administer and use moneys collected pursuant to section 32-13-107, in accordance with the guidelines specified in section 32-13-107(3);

(i) To develop reporting and review requirements governing receipt and expenditures of tax district funds;

(j) Repealed by Laws 2016, Ch. 135, § 4, eff. April 29, 2016.

(k) To determine the eligibility of organizations that apply to the district for the moneys that the board distributes pursuant to section 32-13-107(3)(b) and (3)(c). In determining such eligibility, the board may take into consideration the applicant's financial and organizational capacity to expend tax dollars to serve the public and achieve the mission of the organization.

(l) To publish and update annual governance and transparency notice requirements by posting board member names, district contact information, and meeting information on the district's website.

(3) All business of the board shall be conducted at regular meetings which shall be open to the public, and board action shall require the affirmative vote of a majority of the total membership of the board. Members of the board shall receive no compensation for their services but may be reimbursed for their necessary expenses while serving as members of the board.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1994, H.B.94-1222, § 5, eff. March 31, 1994; Laws 1995, H.B.95-1241, § 112, eff. July 1, 1995; Laws 2001, Ch. 103, § 10, eff. Nov. 15, 2001; Laws 2004, Ch. 88, §§ 6, 7, eff. July 1, 2006; Laws 2016, Ch. 135, § 4, eff. April 29, 2016.

C. R. S. A. § 32-13-106, CO ST § 32-13-106

Current with all legislation effective through August 15, 2018, and including CHs. 75, 79, 109, 157, 202, 205, 261, 266, 307, 315, 392, of the Second Regular Session of the 71st General Assembly (2018)

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C.R.S.A. § 32-13-107

§ 32-13-107. Sales and use tax imposed--collection--administration of tax--use--definitions
Effective: July 1, 2018

(1)(a) Except as otherwise provided in paragraph (b) of this subsection (1), upon the approval of the registered electors pursuant to the provisions of section 32-13-105, the board has the power to levy such uniform sales and use taxes throughout the district created in section 32-13-104 upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that beginning July 1, 2016, such sales and use tax shall not be levied or collected on the sale or use of aviation fuel.

(b)(I) Notwithstanding any law to the contrary, the authority of the district to levy and collect the sales and use taxes approved by the registered electors pursuant to the provisions of section 32-13-105 shall expire July 1, 1996, unless the district is authorized to continue to levy and collect the sales and use taxes by the registered electors pursuant to the provisions of said section.

(II) Notwithstanding any law to the contrary, the authority of the district to continue to levy and collect the sales and use taxes approved by the registered electors pursuant to the provisions of section 32-13-105 shall expire on the date specified in the question submitted to the registered electors unless the district is subsequently authorized to continue to levy and collect the sales and use taxes by the registered electors pursuant to the provisions of said section.

(2) The collection, administration, and enforcement of said sales and use tax shall be performed by the executive director of the department of revenue in the same manner as that for the collection, administration, and enforcement of the state sales and use tax imposed under article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of said tax as provided in section 39-26-105, C.R.S. The executive director shall make monthly distributions of such sales and use tax collections to the district. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales and use taxes; except that in no event shall the district pay in any given fiscal year commencing on or after July 1, 1994, more than an amount equal to the amount paid by the district in the 1993-94 fiscal year, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The department may make expenditures for such costs subject to annual appropriation by the general assembly.

(3) The proceeds of such sales and use tax collections shall be used by the board to assist scientific and cultural facilities within the district. The board may deduct from the proceeds of the sales and use tax collections amounts necessary to cover the costs incurred by the district for the administration of such proceeds; except that the amount deducted for such purpose shall not exceed one and fifty one-hundredths percent of the sales and use tax revenues annually collected up to and including thirty-eight million dollars and one and fifty one-hundredths percent of the sales and use tax revenues annually collected in excess of thirty-eight million dollars. The board may also deduct from the proceeds of the sales and use tax collections an amount necessary to pay the district's actual or anticipated reasonable costs related to a coordinated election. After making the deductions allowed in this subsection (3), the board shall distribute the remaining proceeds from the sales and use tax collections to scientific and cultural facilities as follows:

(a) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105(5)(a)(I) or (10)(a)(I), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board as follows:

(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), ninety-five percent of said sales and use tax revenues shall be distributed for annual operating expenses as follows:

(A) Twenty-four and fifty one-hundredths percent shall be distributed to the Denver museum of nature and science;

(B) Twenty and thirty-three one-hundredths percent shall be distributed to the Denver art museum;

(C) Twenty-four and twenty-four one-hundredths percent shall be distributed to the Denver zoological gardens;

(D) Thirteen and twenty-five one-hundredths percent shall be distributed to the Denver botanical gardens;

(E) Seventeen and sixty-eight one-hundredths percent shall be distributed to the Denver center for the performing arts;

(II) After the first five years said sales and use tax is levied and collected, up to five percent of said sales and use tax revenues specified in subparagraph (I) of this paragraph (a) may be distributed by the board to the Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, and the Denver center for the performing arts pursuant to a formula adopted by the board. Such formula shall be binding on the board and may only be modified every five years thereafter.

(III) Up to five percent of said sales and use tax revenues may be distributed by the board to the Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, and the Denver center for the performing arts in such amounts as the board may determine appropriate based upon one or more of the following factors: Regional impact, accessibility, quality, need, enhanced or innovative programs, and collaboration with the Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, or the Denver center for the performing arts or with scientific and cultural facilities that qualify to receive moneys pursuant to subparagraph (I) of paragraph (b) or subparagraph (I) of paragraph (c) of this subsection (3).

(IV) Deleted by Laws 1994, H.B.94-1223, § 2, eff. Jan. 1, 1996.

(V) Any moneys not distributed pursuant to the provisions of subparagraph (III) of this paragraph (a) shall be distributed at the same time and in the same manner as other moneys are annually distributed pursuant to the provisions of subparagraph (I) of this paragraph (a).

(b) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105(5)(a)(II) or (10)(a)(II), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board for annual operating expenses as follows:

(I) Ninety-five percent of said sales and use tax revenues shall be distributed to scientific and cultural facilities within the district that are not receiving moneys pursuant to paragraph (a) of this subsection (3) and that meet the following criteria:

(A) Any such facility shall be a nonprofit organization that has a determination letter in effect from the internal revenue service confirming that the organization meets the requirements of section 501(c)(3) of the federal "Internal Revenue Code of 1986", as amended, with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or

natural sciences including earth, life, or physical sciences, as such terms are defined by the board, or shall be an agency of local government that has such primary purpose.

(B) Any such facility shall have its principal office within the district, shall conduct the majority of its activities within the state of Colorado, and shall principally benefit the residents of the district. In addition, any such facility shall demonstrate its regional service and impact according to criteria established by the board.

(C) For any facility that applies to receive district moneys prior to July 1, 2006, such facility shall have had an annual operating income of more than seven hundred thousand dollars for the previous year as adjusted for the annual change in the consumer price index as specified in this subsection (3)(b)(I)(C). For any facility that applies to receive district moneys on or after July 1, 2006, such facility shall have had an annual operating income of more than one million two hundred fifty thousand dollars for the previous year as adjusted for the annual change in the consumer price index as specified in this subsection (3)(b)(I)(C); except that any facility that qualified to receive a distribution pursuant to this subsection (3)(b) on or before June 30, 2006, shall be subject to the one million two hundred fifty thousand dollar threshold as adjusted for the annual change in the consumer price index as specified in this subsection (3)(b)(I)(C), as of July 1, 2009. For distributions made pursuant to this subsection (3)(b) in 1996 and in each year thereafter, the board shall annually adjust the amount specified in this subsection (3)(b)(I)(C), as applicable, in accordance with the annual percentage change in the consumer price index for the previous year for the Denver-Boulder-Greeley consolidated metropolitan statistical area for all urban consumers and all goods, as published by the United States department of labor, bureau of labor statistics. For distributions made pursuant to this subsection (3)(b) in 2017 and in each year thereafter, the board shall annually adjust the amount specified in this subsection (3)(b)(I)(C), as applicable, for the percentage change between the average Denver-Aurora-Lakewood consumer price index, or its applicable predecessor or successor index, for the calendar year three years prior to the year of distribution and the average Denver-Aurora-Lakewood consumer price index, or its applicable predecessor or successor index, for the calendar year two years prior to the year of distribution.

(D) Beginning January 1, 2017, a facility must have been in existence, operating, and providing service to the public for at least seven years as a nonprofit institutional organization under section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, prior to applying for eligibility to receive district moneys for the first time. For purposes of this sub-subparagraph (D), “operating” means engaged in some form of activity with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences including earth, life, or physical sciences, as such terms are defined by the board.

(E) Notwithstanding the provisions of this subparagraph (I), for multiple facilities that were created by a local government and that have the same taxpayer identification number or federal employee identification number, no more than two facilities per taxpayer identification number or federal employee identification number are eligible to receive a distribution of revenues pursuant to this paragraph (b) in any fiscal year.

(II)(A) Distribution of moneys pursuant to subparagraph (I) of this paragraph (b) shall be based upon a formula to be applied annually that gives a specific weight to the annual operating income of such facilities, the annual paid attendance at such facilities, and the annual documented free attendance at such facilities. The board shall determine the weight to be given to each factor, and such determination shall be binding on the board. The board may modify the weight to be given to each factor not more than once every two years.

(B) Deleted by Laws 2016, Ch. 135, § 5, eff. Jan. 1, 2018.

(III) Up to five percent of said sales and use tax revenues may be distributed by the board to the scientific and cultural

facilities that qualify to receive moneys pursuant to the provisions of subparagraph (I) of this paragraph (b) in such amounts as the board determines appropriate based upon one or more of the following factors: Regional impact, accessibility, quality, need, enhanced or innovative programs, and collaboration with the Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, or the Denver center for the performing arts or with scientific and cultural facilities that qualify to receive moneys pursuant to subparagraph (I) of this paragraph (b) or subparagraph (I) of paragraph (c) of this subsection (3).

(IV) Deleted by Laws 1994, H.B.94-1223, § 2, eff. Jan. 1, 1996.

(V) Any moneys not distributed pursuant to the provisions of subparagraph (III) of this paragraph (b) shall be placed by the board in an interest-bearing account with a federally insured bank or savings and loan association located in the state of Colorado. Such moneys shall remain in such account until the board, in its discretion, determines to distribute such moneys at the same time and in the same manner as other moneys are annually distributed pursuant to the provisions of subparagraph (III) of this paragraph (b).

(b.5)(I) Prior to July 1, 2006, notwithstanding any other provision, a scientific and cultural facility that qualifies to receive moneys pursuant to the provisions of subparagraph (I) of paragraph (b) of this subsection (3) shall not receive in any given year more than thirty-three percent of the total amount of sales and use tax revenues distributed pursuant to paragraph (b) of this subsection (3) in such year. If the amount of moneys received by any scientific and cultural facility in any given year exceeds the allowable amount, the scientific and cultural facility shall refund to the district the amount of moneys in excess of the allowable amount.

(II) On and after July 1, 2006, notwithstanding any other provision, a scientific and cultural facility that qualifies to receive moneys pursuant to the provisions of subparagraph (I) of paragraph (b) of this subsection (3) for the first time prior to July 1, 2006, shall not receive in any given year more than twenty-five percent of the total amount of sales and use tax revenues distributed pursuant to paragraph (b) of this subsection (3) in such year. If the amount of moneys received by any scientific and cultural facility in any given year exceeds the allowable amount, the scientific and cultural facility shall refund to the district the amount of moneys in excess of the allowable amount.

(III) On and after July 1, 2006, notwithstanding any other provision, a scientific and cultural facility that qualifies to receive moneys pursuant to the provisions of subparagraph (I) of paragraph (b) of this subsection (3) for the first time on or after July 1, 2006, shall not receive more than fifteen percent of the total amount of sales and use tax revenues distributed pursuant to paragraph (b) of this subsection (3) in the first year of distribution, twenty percent of such total amount in the second year of distribution, and twenty-five percent of such total amount in the third and any subsequent year of distribution. If the amount of moneys received by any scientific and cultural facility in any given year exceeds the allowable amount, the scientific and cultural facility shall refund to the district the amount of moneys in excess of the allowable amount.

(c) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105(5)(a)(III) or (10)(a)(III), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board for annual operating expenses as follows:

(I) Ninety-five percent of said sales and use tax revenues collected in each county comprising the district shall be distributed by the board to scientific and cultural facilities within such county pursuant to the provisions of the plan submitted by each county cultural council as specified in subparagraph (II) of this paragraph (c). Said moneys shall be distributed to scientific and cultural facilities within the district which are not receiving moneys pursuant to paragraph (a) or (b) of this subsection (3) and which meet the following criteria:

(A) Any such facility shall be a nonprofit organization that has a determination letter in effect from the internal revenue service confirming that the organization meets the requirements of section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences including earth, life, or physical sciences, as such terms are defined by the board, or shall be an agency of local government that has such primary purpose.

(B) Any such facility shall have its principal office within the district, shall conduct the majority of its activities within the state of Colorado, and shall principally benefit the residents of the district.

(C) Beginning January 1, 2017, a facility must have been in existence, operating, and providing service to the public for at least five years as a nonprofit institutional organization under section 501(c)(3) of the federal “Internal Revenue Code of 1986”, as amended, prior to applying for eligibility to receive district moneys for the first time. For purposes of this subparagraph (C), “operating” means engaged in some form of activity with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences including earth, life, or physical sciences, as such terms are defined by the board.

(D) Notwithstanding the provisions of this subparagraph (I), for multiple facilities that were created by a local government and that have the same taxpayer identification number or federal employee identification number, no more than two facilities per taxpayer identification number or federal employee identification number are eligible to receive a distribution of revenues pursuant to this paragraph (c) in any fiscal year.

(II) The county cultural council of each county comprising the district shall submit to the board an annual plan specifying the distribution of such revenues as provided for in subparagraph (I) of this paragraph (c) to scientific and cultural facilities in such county that meet the criteria set forth in subparagraph (I) of this paragraph (c). In creating such plan, a county cultural council may take into account an organization’s financial and organizational capacity to expend tax dollars to serve the public and achieve the mission of the organization, and may give priority to scientific and cultural facilities within such county that qualify to receive moneys pursuant to the provisions of subparagraph (I) of paragraph (b) of this subsection (3). Such plans submitted by such county cultural councils to the board shall be binding upon the board.

(III) Up to five percent of said sales and use tax revenues collected in each county comprising the district may be distributed by the board to the scientific and cultural facilities that qualify to receive moneys pursuant to subparagraph (I) of this paragraph (c) as the board may determine appropriate based upon one or more of the following factors: Accessibility, quality, need, enhanced or innovative programs, financial and organizational capacity to expend tax dollars to serve the public and achieve the mission of the organization, and collaboration with the Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, or the Denver center for the performing arts or with scientific and cultural facilities that qualify to receive moneys pursuant to subparagraph (I) of paragraph (b) of this subsection (3) or subparagraph (I) of this paragraph (c). Any distribution made pursuant to this subparagraph (III) shall be based upon the provisions of the plan submitted by each county cultural council as required by subparagraph (II) of this paragraph (c).

(IV) Deleted by Laws 1994, H.B.94-1223, § 2, eff. Jan. 1, 1996.

(V) Any moneys not distributed pursuant to the provisions of subparagraph (III) of this paragraph (c) shall be placed by the board in an interest-bearing account with a federally insured bank or savings and loan association located in the state of Colorado. Such moneys shall remain in such account until the board, in its discretion, determines to distribute such moneys at

the same time and in the same manner as other moneys are annually distributed pursuant to the provisions of subparagraph (III) of this paragraph (c).

(d) No scientific and cultural facility which receives moneys pursuant to the provisions of paragraph (c) of this subsection (3) shall use or expend such moneys for the acquisition, physical preservation, or restoration of any historic building, structure, or site.

(4) Upon any extension of the sales and use taxes levied and collected by the district in accordance with section 32-13-105, the amount of sales and use tax proceeds expended and distributed by the district in any given year shall not exceed the amount specified in the ballot question for the current fiscal year and shall not exceed the amount specified in the ballot question as adjusted for inflation plus annual local growth for each fiscal year after the current fiscal year. For purposes of this subsection (4), “inflation” has the meaning set forth in section 20 of article X of the state constitution and in section 24-77-102(8), C.R.S., and “local growth” has the meaning set forth in section 20 of said article X. Whenever the amount of sales and use tax proceeds collected in any fiscal year pursuant to this article exceeds the permissible amount to be expended and distributed, the provisions of section 20 of said article X governing tax refunds shall apply.

(5) Pursuant to section 1-7-116, C.R.S., and any agreement enacted pursuant thereto, the district shall pay a county or a city and county for its share of the expenses associated with a coordinated election; except that the amount the district is required to pay for any coordinated election shall be limited to and not exceed the district’s reasonable costs related to a coordinated election.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1994, H.B.94-1024, § 5, eff. March 29, 1994; Laws 1994, H.B.94-1222, § 3, eff. March 31, 1994; Laws 1994, H.B.94-1223, § 2, eff. Jan. 1, 1996; Laws 1994, H.B.94-1223, § 3, eff. March 31, 1994; Laws 1999, Ch. 248, § 6, eff. May 28, 1999; Laws 1999, Ch. 327, § 7, eff. Jan. 1, 2000; Laws 2004, Ch. 88, § 8, eff. July 1, 2006; Laws 2004, Ch. 277, § 8, eff. July 1, 2004; Laws 2005, Ch. 217, § 67, eff. June 1, 2005; Laws 2006, Ch. 354, § 3, eff. June 6, 2006; Laws 2009, Ch. 354, § 8, eff. July 1, 2009; Laws 2013, Ch. 337, § 3, eff. Jan. 1, 2014; Laws 2016, Ch. 135, § 5, eff. April 29, 2016, Jan. 1, 2017, Jan. 1, 2018, and July 1, 2018; Laws 2018, Ch. 274, § 68, eff. May 29, 2018.

Notes of Decisions (5)

Footnotes

1

26 U.S.C.A. § 501(c).

C. R. S. A. § 32-13-107, CO ST § 32-13-107

Current with all legislation effective through August 15, 2018, and including CHs. 75, 79, 109, 157, 202, 205, 261, 266, 307, 315, 392, of the Second Regular Session of the 71st General Assembly (2018)

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C.R.S.A. § 32-13-107.5

§ 32-13-107.5. Legislative declaration--submission to voters--severability

(1) The general assembly hereby finds, determines, and declares that the extension of the sales and use taxes imposed pursuant to section 32-13-105 are extensions of expiring taxes subject to the provisions of section 20(4)(a) of article X of the state constitution and are subject to voter approval; that the tax proceeds resulting from the taxes which the voters may be asked to extend are subject to the fiscal year spending limit of the Denver metropolitan scientific and cultural facilities district imposed by section 20(7)(b) of said article X; that said constitutional provision limits the growth of district revenues by restricting the increase of fiscal year spending to the rate of inflation plus annual local growth; that the ballot questions specified in section 32-13-105 fully disclose to the voters that the amount of tax proceeds resulting from the taxes which they may be asked to extend will be subject to increase after the current fiscal year based upon the factors of inflation and annual local growth specified in section 20(7)(b) of said article X; and that this disclosure in said ballot questions is for informational purposes only as the growth in the amount of tax proceeds is permitted to occur only at the rate permitted by section 20(7)(b) of said article X.

(2) The purpose of this article is to secure a dependable source of revenue to be used by the Denver metropolitan scientific and cultural facilities district to assist scientific and cultural facilities within said district as set forth in this article and to provide for a source of revenue which will grow in proportion to the expanding financial needs of scientific and cultural facilities. However, in the event that it is found by a court of competent jurisdiction that the provisions of section 20 of article X of the state constitution do not permit an extension of an expiring tax which incorporates such growth in revenues, the portions of the ballot questions set forth in section 32-13-105 which provide for an adjustment of permissible revenues based on inflation and annual local growth shall be deemed to be severable from the remainder of such ballot questions and that the valid portions of the ballot questions are not so essentially and inseparably connected with or dependent upon the invalid portions that the valid portions would not have been enacted without the invalid portions.

Credits

Added by Laws 1994, H.B.94-1222, § 4, eff. March 31, 1994.

C. R. S. A. § 32-13-107.5, CO ST § 32-13-107.5

Current with all legislation effective through August 15, 2018, and including CHs. 75, 79, 109, 157, 202, 205, 261, 266, 307, 315, 392, of the Second Regular Session of the 71st General Assembly (2018)

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C.R.S.A. § 32-13-108

§ 32-13-108. Petition or resolution for formation and levy of tax--petition or resolution for extension of tax--verification of signatures--election

(1)(a) A scientific and cultural facilities district may include a portion of one county, an entire county, or areas contained within multiple counties of the state; except that no county shall include more than one scientific and cultural facilities district composed of areas located solely within that county.

(b) The formation of a scientific and cultural facilities district other than the district created in section 32-13-104 shall be initiated by a petition signed by registered electors of each unincorporated area of a county and of each area within a municipality that is to be included in the proposed scientific and cultural facilities district in number not less than five percent of the votes cast in each area for all candidates for the office of governor at the last preceding general election, by resolution adopted by the board, or by resolution of each board adopted pursuant to an intergovernmental agreement entered into by the boards of county commissioners of the county or counties in which a scientific and cultural facilities district is proposed.

(c) Such petition or resolution shall state that the proposed scientific and cultural facilities district would levy and collect for a period of time not to exceed ten years a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of article 2 of title 29, C.R.S.

(d) Such petition or resolution shall be filed with the board or boards of county commissioners of the county or counties in which the proposed scientific and cultural facilities district would be formed at least three months before the general election or the election held on the first Tuesday of November in an odd-numbered year, whichever is applicable, at which it may be voted upon.

(2)(a) The petition or resolution for the formation of a scientific and cultural facilities district shall state:

(I) The name proposed for the scientific and cultural facilities district; and

(II) A description of the geographical area to be included in the scientific and cultural facilities district sufficient to enable a property owner to determine whether his or her property lies within the district.

(b) The petition or resolution for the formation of a scientific and cultural facilities district may state any formula or criteria concerning the distribution of sales tax collections pursuant to section 32-13-110(3); including criteria that scientific and cultural facilities must meet in order to receive moneys from the district which are in addition to the criteria specified in section 32-13-110(3)(a) and (3)(b). If the petition or resolution does include such formula or criteria and the registered electors voting on the question vote affirmatively on the question of creation of the district and the levy of the tax specified in paragraph (c) of subsection (1) of this section, then such formula or criteria contained in such petition or resolution shall be binding upon the board.

(c) The petition or resolution for the formation of a scientific and cultural facilities district shall state the month, day, and year on which the authority of the scientific and cultural facilities district to levy and collect the sales tax shall expire.

(2.5)(a) For purposes of complying with the provisions of section 20(4) of article X of the state constitution, the question of whether the board of a district created pursuant to this section shall be authorized to continue the levy and collection of the sales tax throughout the district upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of article 2 of title 29, C.R.S., for a period of time not to exceed ten years from the date upon which the authority of the board to levy and collect the sales taxes is scheduled to expire shall be initiated by a petition signed by the registered electors of the district in a number not less than five percent of the votes cast in the each incorporated and unincorporated area included within the district for all candidates for the office of governor at the last preceding general election or initiated by a resolution adopted by the board of the scientific and cultural facilities district.

(b) Such petition or resolution shall state the name of the scientific and cultural facilities district and that the district would continue to levy and collect a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of article 2 of title 29, C.R.S., for a period of time not to exceed ten years from the date upon which the authority of the district to levy and collect the sales tax is scheduled to expire.

(c) Such petition or resolution shall be filed with the board or boards of county commissioners of the county or counties in which the scientific and cultural facilities district is located at least three months before the general election or the election held on the first Tuesday of November in an odd-numbered year, whichever is applicable, at which it may be voted upon.

(3) Deleted by Laws 1994, H.B.94-1222, § 6, eff. March 31, 1994.

(3.5) Upon the filing of any petition pursuant to this section, each affected board of county commissioners shall transmit the petition to its county clerk and recorder for verification of signatures. Each county clerk and recorder shall verify the signatures of registered electors from areas within such county within thirty days of receiving the petition. Any county clerk and recorder who declares that the petition appears not to have a sufficient number of signatures from areas within a county shall grant a fifteen-day extension to the petitioners to cure the insufficiency by filing an addendum to the original petition for the purpose of offering the number of signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to the same requirements imposed upon the original petition and unless filed with the county clerk and recorder within the fifteen-day period after the insufficiency is declared. Any protest regarding the verification or sufficiency of signatures on the petition shall be made pursuant to section 1-40-118, C.R.S., and any hearing or further appeals regarding such protest shall be held in accordance with section 1-40-119, C.R.S.

(4)(a) If a petition or resolution for the formation of a scientific and cultural facilities district and the levy and collection of the sales tax satisfies the requirements specified in this section, each affected board of county commissioners shall submit, in identical form determined by intergovernmental agreement, the question of the organization of the scientific and cultural facilities district at the next general election or election held on the first Tuesday in November of an odd-numbered year, whichever is held first after the filing of the petition or resolution. Any question submitted shall comply with the requirements of section 20 of article X of the state constitution, as applicable.

(b) If a petition or resolution for the extension of the authority to levy and collect a sales tax by the scientific and cultural facilities district satisfies the requirements specified in this section, the question of whether the scientific and cultural facilities district shall be authorized to continue the levy and collection of sales tax throughout the district shall be submitted at the next general election or election held on the first Tuesday in November of an odd-numbered year, whichever is held first after the filing of the petition or resolution. Any question submitted shall comply with the requirements of section 20 of article X of the state constitution, as applicable.

(5)(a) If at any such election a majority of the registered electors of the proposed district voting on the question vote affirmatively on the question of the creation of the district and the levy of the tax specified in paragraph (c) of subsection (1) of this section, then the district shall come into existence, and such tax may be levied and collected as provided in this article. If a majority of the registered electors of said area vote "No" on the question, the district shall not come into existence.

(b) If at any election a majority of the registered electors within the geographical boundaries of the district voting on the question vote affirmatively on the question authorizing the district to continue the levy and collection of the sales tax specified in subsection (1) of this section until the date specified in the question, then such sales tax shall continue to be levied, collected, and distributed as provided for in this article until said date.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1990, H.B.90-1062, § 1, eff. April 3, 1990; Laws 1992, S.B.92-119, § 2, eff. April 24, 1992; Laws 1994, H.B.94-1222, § 6, eff. March 31, 1994; Laws 1998, Ch. 130, § 2, eff. April 20, 1998.

C. R. S. A. § 32-13-108, CO ST § 32-13-108

Current with all legislation effective through August 15, 2018, and including CHs. 75, 79, 109, 157, 202, 205, 261, 266, 307, 315, 392, of the Second Regular Session of the 71st General Assembly (2018)

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C.R.S.A. § 32-13-109
§ 32-13-109. Board of directors--powers and duties

(1) A district created pursuant to section 32-13-108 shall be governed by a board of directors which shall be appointed by the board of county commissioners. A director appointed pursuant to this subsection (1) shall be appointed to serve a term of three years, but no director shall serve more than two succeeding terms. Any such director may be removed at any time during his term by the appointing authority.

(2) The board shall have the following powers and duties:

(a) To fix the time and place at which its regular meetings shall be held. Meetings shall be held within the district and shall be open to the public.

(b) To adopt and amend rules of procedure;

(c) To select a chairman;

(d) To hire such staff as may be necessary to assist the board in its duties;

(e) To enter into contracts including but not limited to contracts for the provision of cultural services for the district;

(f) To sue and be sued;

(g) To administer and use moneys collected pursuant to section 32-13-110, in accordance with the guidelines specified in section 32-13-110.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987.

C. R. S. A. § 32-13-109, CO ST § 32-13-109

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C.R.S.A. § 32-13-110
§ 32-13-110. Tax imposed--collection--administration of tax--use
Effective: April 29, 2016

(1) Upon the approval of the registered electors pursuant to the provisions of section 32-13-108, the board shall have the power to levy such uniform sales tax throughout the district upon every transaction or other incident with respect to which a sales tax is levied by the county, pursuant to the provisions of article 2 of title 29, C.R.S.

(2)(a) If such sales tax is levied pursuant to the provisions of this article, the collection, administration, and enforcement of said sales tax shall be performed by the executive director of the department of revenue in the same manner as that for the collection, administration, and enforcement of the state sales tax imposed under article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of said tax as provided in section 39-26-105, C.R.S. The executive director shall make monthly distributions of such sales tax collections to the district. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales taxes; except that in no event shall any district pay in any given fiscal year commencing after the first full fiscal year of operation more than an amount equal to the amount paid by the district in the first full fiscal year of operation, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The department may make expenditures for such costs subject to annual appropriation by the general assembly.

(b)(I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to this article. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.

(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105(3), C.R.S.

(3) The proceeds of such sales tax collections shall be used by the board to assist scientific and cultural facilities within the district. After deducting any costs incurred by the district for the administration of such moneys, distributions shall be made by the board, in accordance with any formula or criteria, if any, contained in the petition or resolution pursuant to section 32-13-108(2)(b), to scientific and cultural facilities which meet the criteria, if any, specified in such petition or resolution, and which meet the following criteria:

(a) Any such facility shall be a nonprofit organization which meets the requirements of section 501(c)(3) of the federal "Internal Revenue Code of 1986", as amended,¹ with the primary purpose of enlightening and entertaining the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences including earth, life, or physical sciences, as such terms are defined by the board, or shall be an agency of local government that has such primary purpose; and

(b) Any such facility shall have its principal office within the district, shall conduct the majority of its activities within the state of Colorado, and shall principally benefit the residents of the district.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987. Amended by Laws 1990, H.B.90-1062, § 2, eff. April 3, 1990; Laws 1992, S.B.92-119, § 3, eff. April 24, 1992; Laws 1994, H.B.94-1024, § 6, eff. March 29, 1994; Laws 1999, Ch. 5, § 8, eff. Jan. 1, 2000; Laws 2016, Ch. 135, § 6, eff. Jan. 1, 2017.

C. R. S. A. § 32-13-110, CO ST § 32-13-110

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C.R.S.A. § 32-13-111
§ 32-13-111. No impairment of contractual obligations

Nothing in this article shall be construed to affect or impair any obligations of contracts between any governmental entity and any cultural facility.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987.

C. R. S. A. § 32-13-111, CO ST § 32-13-111

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C.R.S.A. § 32-13-112
§ 32-13-112. Discount rates

Any day designated by a scientific and cultural facility within any district as a “free day” or a “discounted rate day”, on which the amount of admission to such facility is waived or the amount of admission is reduced, shall be made available to all residents of the state.

Credits

Added by Laws 1987, H.B.1138, § 1, eff. July 1, 1987.

C. R. S. A. § 32-13-112, CO ST § 32-13-112

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C.R.S.A. § 32-13-113
§ 32-13-113. Repealed by Laws 2002, Ch. 231, § 4, eff. Aug. 7, 2002

C. R. S. A. § 32-13-113, CO ST § 32-13-113

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C.R.S.A. § 32-13-114

§ 32-13-114. Repealed by Laws 1994, H.B.94-1223, § 4, eff. March 31, 1994

C. R. S. A. § 32-13-114, CO ST § 32-13-114

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