

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0374.01 Bob Lackner

HOUSE BILL 06-1096

HOUSE SPONSORSHIP

Hefley,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A LIMITATION ON THE EXERCISE OF THE POWER OF
102 EMINENT DOMAIN BY CERTAIN SPECIAL DISTRICTS.

Bill Summary

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

In the case of a special district that is organized pursuant to an organizational election in which less than a specified number of eligible electors have voted, prohibits such district from having and exercising the power of eminent domain or dominant eminent domain unless the following conditions have been satisfied:

After the organizational election, at least 2 regular special district elections have been held within the district at which

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.

the position of director of the board of the special district has been on the ballot; and
Not less than a specified number of eligible electors have cast ballots in each of 2 consecutive regular special district elections satisfying the requirements of the act.

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

2 **SECTION 1.** Part 10 of article 1 of title 32, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **32-1-1001.5. Eminent domain - limitations.**

6 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE CASE OF
7 A SPECIAL DISTRICT THAT IS ORGANIZED IN ACCORDANCE WITH THE
8 REQUIREMENTS OF THIS TITLE PURSUANT TO AN ORGANIZATIONAL
9 ELECTION IN WHICH LESS THAN ONE HUNDRED ELIGIBLE ELECTORS
10 MEETING THE REQUIREMENTS OF SECTION 32-1-103 (5) (a) (I) HAVE
11 VOTED, NO SUCH DISTRICT SHALL HAVE AND EXERCISE THE POWER OF
12 EMINENT DOMAIN OR DOMINANT EMINENT DOMAIN UNLESS THE
13 FOLLOWING CONDITIONS HAVE BEEN SATISFIED:

14 (a) AFTER THE ORGANIZATIONAL ELECTION, AT LEAST TWO
15 REGULAR SPECIAL DISTRICT ELECTIONS HAVE BEEN HELD WITHIN THE
16 DISTRICT AT WHICH THE POSITION OF DIRECTOR OF THE BOARD OF THE
17 SPECIAL DISTRICT WAS ON THE BALLOT; AND

18 (b) NOT LESS THAN TWO HUNDRED ELIGIBLE ELECTORS HAVE CAST
19 BALLOTS IN EACH OF TWO CONSECUTIVE REGULAR SPECIAL DISTRICT
20 ELECTIONS SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS
21 SUBSECTION (1).

22 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.