

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0136.01 Gregg Fraser x4325

HOUSE BILL 15-1092

HOUSE SPONSORSHIP

Lebsock, Singer

SENATE SPONSORSHIP

Martinez Humenik and Kefalas,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING THE TRANSPARENCY OF TITLE 32, COLORADO REVISED**
102 **STATUTES, SPECIAL DISTRICTS.**

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>.)

Local governments are currently required to file copies of their annual budgets with the division of local government in the department of local affairs (division). The bill requires special districts to also file copies of resolutions adopting the budget, appropriating moneys, and fixing the rate of any mill levy.

The division currently notifies the secretary of state of the election

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.*

HOUSE
3rd Reading Unamended
February 19, 2015

HOUSE
2nd Reading Unamended
February 13, 2015

results for certain local government elections, and the secretary of state posts the results on the web site of the department of state. The bill requires the division to post the results on its web site and the secretary of state to provide a link to the division's post on the department of state's web site.

The bill specifies that a name change for a special district is not effective until a court decree or order confirming the change is filed with the county clerk and recorder.

Requirements for disclosing information about special districts to electors, affected local governments, and the division are consolidated.

The bill clarifies that a board of a special district in a specific circumstance calls for nominations for a special election rather than calling for the election itself.

The name of a special improvement district established by a special district is required to include the name of the special district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-1-113, **amend** (1)
3 as follows:

4 **29-1-113. Filing of budget.** (1) No later than thirty days
5 following the beginning of the fiscal year of the budget adopted pursuant
6 to section 29-1-108, the governing body shall cause a certified copy of
7 such budget, including the budget message, to be filed in the office of the
8 division. THE BUDGET OF A SPECIAL DISTRICT SHALL INCLUDE ANY
9 RESOLUTIONS ADOPTING THE BUDGET, APPROPRIATING MONEYS, AND
10 FIXING THE RATE OF ANY MILL LEVY. Copies of ~~such~~ THE budget OF A
11 LOCAL GOVERNMENT and of ordinances or resolutions authorizing
12 expenditures or the transfer of funds shall be filed with the officer or
13 employee of the local government whose duty it is to disburse moneys or
14 issue orders for the payment of money.

15 **SECTION 2.** In Colorado Revised Statutes, 32-1-104, **amend** (1)
16 and (2) as follows:

17 **32-1-104. Establishment of a special districts file.** (1) The

1 division shall promptly establish and maintain on a current basis, as a
2 public record, a file listing by name all special districts, listing the names
3 and addresses of all the members of the boards of the special districts, and
4 recording all changes in the NAMES OR boundaries of the special districts.
5 The file shall also list the names of the officers of each special district and
6 a business address, a telephone number, and the name of a contact person
7 for each district. Annually, the division shall compile and maintain a
8 current and revised list of special districts for public inspection. Each
9 special district shall register its business address, its telephone number,
10 and the name of a contact person with the division when certifying the
11 results of a district election pursuant to section 1-11-103, C.R.S.

12 (2) On or before January 15 of each year, a special district shall
13 ~~notify~~ FILE A COPY OF THE NOTICE REQUIRED PURSUANT SECTION 32-1-809
14 (1) WITH the board of county commissioners, the county assessor, the
15 county treasurer, and the county clerk and recorder of each county in
16 which the special district is located, the governing body of any
17 municipality in which the special district is located, and the division. ~~of~~
18 ~~the name of the chairman of the board, the contact person, the telephone~~
19 ~~number, and the business address of the special district. If such persons~~
20 ~~and address are not located within the special district, the special district~~
21 ~~shall notify each such county clerk and recorder and municipality's~~
22 ~~governing body of the name, address, and telephone number of a contact~~
23 ~~person located within the special district, if such person is available.~~

24 **SECTION 3.** In Colorado Revised Statutes, 32-1-104.5, **amend**
25 (2); and **add** (1) (c) as follows:

26 **32-1-104.5. Audit and budget requirements - election results**
27 **- description on state web sites.** (1) The division shall post on its

1 official web site in a form that is readily accessible to the public:

2 (c) THE ELECTION RESULTS CERTIFIED TO THE DIVISION PURSUANT
3 TO SECTION 1-11-103 (3), C.R.S.

4 (2) ~~The division shall notify the secretary of state of the~~ SHALL
5 PROVIDE A LINK TO THE election results ~~certified to~~ POSTED BY the
6 division pursuant to ~~section 1-11-103 (3), C.R.S., and the secretary of~~
7 ~~state shall post the same~~ PARAGRAPH (c) OF SUBSECTION (1) OF THIS
8 SECTION on the official web site of the department of state. ~~The general~~
9 ~~assembly shall appropriate moneys in the department of state cash fund~~
10 ~~created in section 24-21-104 (3) (b), C.R.S., to the secretary of state for~~
11 ~~such purpose.~~

12 **SECTION 4.** In Colorado Revised Statutes, **amend** 32-1-105 as
13 follows:

14 **32-1-105. Notice of organization, dissolution, name change, or**
15 **boundary change.** No organization, dissolution, or change in the NAME
16 OR boundaries of any special district shall be effective until the decree or
17 order confirming such action, together with a description of the area
18 concerned, is recorded by the county clerk and recorder of the county in
19 which the organization, dissolution, or change in the NAME OR boundaries
20 took place. The county clerk and recorder shall notify the county assessor
21 of any such action. A certified copy of such notice shall also be filed with
22 the division by the county clerk and recorder.

23 **SECTION 5.** In Colorado Revised Statutes, 32-1-809, **amend** (1)
24 (c) and (3) as follows:

25 **32-1-809. Notice to electors.** (1) No more than sixty days prior
26 to and not later than January 15 of each year, the board shall provide
27 notice to the eligible electors of the special district in the manner set forth

1 in subsection (2) of this section. The notice shall contain the following:

2 (c) The names of AND CONTACT INFORMATION FOR the members
3 of the board, ~~indicating~~ THE NAME OF THE BOARD CHAIR, AND THE NAME
4 OF each member whose office will be on the ballot at the next regular
5 special district election;

6 (3) A special district shall

7 ~~(a) File a copy of the notice required by subsection (1) of this~~
8 ~~section with the clerk and recorder of each county in which the special~~
9 ~~district is located and with the division; and~~

10 ~~(b)~~ make a copy of the notice required by subsection (1) of this
11 section available for public inspection at the principal business office of
12 the special district.

13 **SECTION 6.** In Colorado Revised Statutes, 32-1-905, **amend**
14 (2.5) as follows:

15 **32-1-905. Vacancies.** (2.5) If there are no duly elected directors
16 and if the failure to appoint a new board will result in the interruption of
17 services that are being provided by the district, then the board of county
18 commissioners of the county or counties which approved the
19 organizational petition may appoint all directors from the pool of duly
20 qualified, willing candidates. The board appointed pursuant to this
21 subsection (2.5) shall call FOR NOMINATIONS FOR a special election within
22 six months after their appointment, which special election is to be held in
23 accordance with the provisions of section 32-1-305.5 and articles 1 to 13
24 of title 1, C.R.S.; except that the question of the organization shall not be
25 presented at the election. In the event a district is wholly within the
26 boundaries of a municipality, the governing body of the municipality may
27 appoint directors.

1 **SECTION 7.** In Colorado Revised Statutes, 32-1-1101, **amend**
2 (1) (f) (II) as follows:

3 **32-1-1101. Common financial powers.** (1) For and on behalf of
4 the special district, the board has the following powers:

5 (f) (II) Any area created pursuant to this paragraph (f) shall be a
6 subdistrict of the special district. THE NAME OF A SUBDISTRICT
7 ESTABLISHED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
8 (II), AS AMENDED, MUST INCLUDE THE NAME OF THE SPECIAL DISTRICT
9 THAT ESTABLISHED THE SUBDISTRICT. A subdistrict shall be an
10 independent quasi-municipal corporation, shall act pursuant to the
11 provisions of this article, and shall possess all of the rights, privileges,
12 and immunities of the special district. The subdistrict shall be subject to
13 the service plan of the special district. The general assembly hereby finds
14 and declares that any such division of the special district into one or more
15 subdistricts shall provide for the fair and equitable taxation within the
16 territorial limits of the authority levying the tax in conformity with the
17 requirements of section 3 of article X of the state constitution.

18 **SECTION 8.** In Colorado Revised Statutes, 32-1-1101.7, **amend**
19 (1) as follows:

20 **32-1-1101.7. Establishment of special improvement districts**
21 **within the boundaries of a special district.** (1) A special district may
22 establish a special improvement district within the boundaries of the
23 special district to finance all or part of the costs of any improvements that
24 the special district is authorized to finance if the power to levy
25 assessments is authorized in the special district's service plan or statement
26 of purposes or approved in writing by the county or municipality that
27 approved the special district's service plan or accepted the special

1 district's statement of purposes. THE NAME OF A SPECIAL IMPROVEMENT
2 DISTRICT ESTABLISHED ON OR AFTER THE EFFECTIVE DATE OF THIS
3 SUBSECTION (1), AS AMENDED, MUST INCLUDE THE NAME OF THE SPECIAL
4 DISTRICT THAT ESTABLISHED THE SPECIAL IMPROVEMENT DISTRICT.

5 **SECTION 9. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly
8 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
9 if a referendum petition is filed pursuant to section 1 (3) of article V of
10 the state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.