

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0252.01 John Hershey

HOUSE BILL 08-1259

HOUSE SPONSORSHIP

Carroll M., Hodge, and Solano

SENATE SPONSORSHIP

Ward,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED ACCOUNTABILITY REQUIREMENTS FOR**
102 **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.)

States that a special district may provide services only within the territory of the special district. Requires a special district that currently provides services outside its territory to file a petition within a specified time to modify its service plan in order to provide services only within its territory.

Requires every special district to file an annual report with any county or city in which the district is located, the division of local

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
March 4, 2008

HOUSE
Amended 2nd Reading
March 3, 2008

government, and the state auditor, regardless of whether the report is requested by the county or city.

Requires regular special district elections to be held on the date of a general or coordinated election. Requires the board of directors of a special district:

- ! To send a voter information card, including information about the election and a returnable portion for electors to request permanent mail-in voter status, to each household where one or more active eligible electors of the special district resides no later than 15 days before a special election;
- ! To maintain a list of eligible electors of the special district who have applied for permanent mail-in voter status;
- ! To obtain from the clerk and recorder of each county in which the special district is wholly or partially located a list of eligible electors who have applied to the clerk and recorder for permanent mail-in status; and
- ! In an election conducted by the board, to send a mail-in ballot to each eligible elector who has applied for permanent mail-in status.

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

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

5 **32-1-104.5. Audit and budget requirements - description - web**
6 **site.** (1) THE DIVISION SHALL POST ON THE OFFICIAL WEB SITE OF THE
7 DIVISION, IN A FORM THAT IS READILY ACCESSIBLE TO THE PUBLIC:

8 (a) A GENERAL DESCRIPTION IN PLAIN, NONTECHNICAL LANGUAGE
9 OF THE REQUIREMENTS FOR A SPECIAL DISTRICT TO HAVE AN ANNUAL
10 AUDIT OF THE FINANCIAL STATEMENTS OF THE DISTRICT PREPARED IN
11 ACCORDANCE WITH THE "COLORADO LOCAL GOVERNMENT AUDIT LAW",
12 PART 6 OF ARTICLE 1 OF TITLE 29, C.R.S., AND INFORMATION ABOUT
13 WHERE A COPY OF THE AUDIT REPORT IS AVAILABLE FOR PUBLIC
14 INSPECTION; AND

1 (b) A GENERAL DESCRIPTION IN PLAIN, NONTECHNICAL LANGUAGE
2 OF THE PROCESS AND REQUIREMENTS FOR A SPECIAL DISTRICT TO ADOPT
3 AN ANNUAL BUDGET IN ACCORDANCE WITH THE "LOCAL GOVERNMENT
4 BUDGET LAW OF COLORADO", PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S.,
5 AND INFORMATION ABOUT WHERE A COPY OF THE BUDGET IS AVAILABLE
6 FOR PUBLIC INSPECTION.

7 **SECTION 2.** 32-1-805, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **32-1-805. Time for holding elections - type of election -**
10 **manner of election - notice - permanent mail-in voters.** (5) (a) THE
11 BOARD SHALL MAINTAIN A LIST OF ELIGIBLE ELECTORS OF THE SPECIAL
12 DISTRICT WHO HAVE APPLIED FOR PERMANENT MAIL-IN VOTER STATUS
13 EITHER BY FILING A REQUEST WITH THE COUNTY CLERK AND RECORDER IN
14 ACCORDANCE WITH SECTION 1-8-104.5 (1), C.R.S., OR BY RETURNING TO
15 THE BOARD THE APPROPRIATE PORTION OF A NOTICE SENT PURSUANT TO
16 SECTION 32-1-809.

17 (b) UPON REQUEST BY THE BOARD, THE CLERK AND RECORDER OF
18 A COUNTY IN WHICH THE SPECIAL DISTRICT IS WHOLLY OR PARTIALLY
19 LOCATED SHALL PROVIDE TO THE BOARD THE NAMES AND ADDRESSES OF
20 ELIGIBLE ELECTORS OF THE COUNTY WHO ARE ALSO ELIGIBLE ELECTORS OF
21 THE SPECIAL DISTRICT AND WHO HAVE APPLIED FOR PERMANENT MAIL-IN
22 VOTER STATUS IN ACCORDANCE WITH SECTION 1-8-104.5 (1), C.R.S.

23 (c) IN AN ELECTION CONDUCTED BY THE BOARD, THE BOARD SHALL
24 MAIL A MAIL-IN BALLOT TO EACH ELIGIBLE ELECTOR ON THE LIST
25 MAINTAINED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5).

26 **SECTION 3.** Part 8 of article 1 of title 32, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **32-1-809. Notice to electors.** (1) NO LATER THAN JUNE 15 OF
3 EACH YEAR, A SPECIAL DISTRICT SHALL MAIL TO EACH HOUSEHOLD WHERE
4 ONE OR MORE ELIGIBLE ELECTORS OF THE DISTRICT RESIDES A NOTICE
5 CONTAINING:

6 (a) THE ADDRESS AND TELEPHONE NUMBER OF THE PRINCIPAL
7 BUSINESS OFFICE OF THE SPECIAL DISTRICT;

8 (b) THE NAME AND BUSINESS TELEPHONE NUMBER OF THE
9 MANAGER OR OTHER PRIMARY CONTACT PERSON OF THE SPECIAL DISTRICT;

10 (c) THE NAMES OF THE MEMBERS OF THE BOARD OF THE SPECIAL
11 DISTRICT, INDICATING EACH MEMBER WHOSE OFFICE WILL BE ON THE
12 BALLOT AT THE NEXT REGULAR SPECIAL DISTRICT ELECTION;

13 (d) THE TIMES AND PLACES DESIGNATED FOR REGULARLY
14 SCHEDULED MEETINGS OF THE BOARD OF THE SPECIAL DISTRICT DURING
15 THE YEAR AND THE PLACE WHERE NOTICE OF BOARD MEETINGS IS POSTED
16 PURSUANT TO SECTION 24-6-402 (2) (c), C.R.S.;

17 (e) THE TOTAL AD VALOREM TAX LEVY ASSESSED BY THE SPECIAL
18 DISTRICT;

19 (f) THE DATE OF THE NEXT REGULAR SPECIAL DISTRICT ELECTION
20 AT WHICH MEMBERS OF THE BOARD WILL BE ELECTED;

21 (g) INFORMATION ON THE PROCEDURE AND TIME FOR AN ELIGIBLE
22 ELECTOR OF THE SPECIAL DISTRICT TO SUBMIT A SELF-NOMINATION FORM
23 FOR ELECTION TO THE BOARD OF THE DISTRICT; AND

24 (h) A FORM THAT ALLOWS THE ELIGIBLE ELECTOR TO REQUEST
25 PERMANENT MAIL-IN VOTER STATUS PURSUANT TO SECTION 1-8-104.5,
26 C.R.S.

27 (2) A SPECIAL DISTRICT MAY COMPLY WITH THE REQUIREMENT OF

1 SUBSECTION (1) OF THIS SECTION BY:

2 (a) INCLUDING THE NOTICE AS A PROMINENT PART OF A
3 NEWSLETTER, ANNUAL REPORT, BILLING INSERT, LETTER, VOTER
4 INFORMATION CARD OR OTHER NOTICE OF ELECTION, OR OTHER
5 INFORMATIONAL MAILING SENT BY THE SPECIAL DISTRICT TO THE ELIGIBLE
6 ELECTORS OF THE DISTRICT; OR

7 (b) POSTING THE INFORMATION ON THE OFFICIAL WEB SITE OF THE
8 SPECIAL DISTRICT, IF THERE IS A LINK TO THE DISTRICT'S WEB SITE ON THE
9 OFFICIAL WEB SITE OF THE DIVISION OF LOCAL GOVERNMENT IN THE
10 DEPARTMENT OF LOCAL AFFAIRS.

11 (3) A SPECIAL DISTRICT SHALL:

12 (a) FILE A COPY OF THE NOTICE REQUIRED BY SUBSECTION (1) OF
13 THIS SECTION WITH THE CLERK AND RECORDER OF EACH COUNTY IN WHICH
14 THE DISTRICT IS LOCATED AND WITH THE DIVISION; AND

15 (b) MAKE A COPY OF THE NOTICE REQUIRED BY SUBSECTION (1) OF
16 THIS SECTION AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE
17 SPECIAL DISTRICT.

18 (4) SPECIAL DISTRICTS WITH OVERLAPPING BOUNDARIES MAY
19 COMBINE THE NOTICES REQUIRED BY SUBSECTION (1) OF THIS SECTION, SO
20 LONG AS THE INFORMATION REGARDING EACH DISTRICT IS SEPARATELY
21 DISPLAYED AND IDENTIFIED.

22 **SECTION 4.** 38-35.7-101, Colorado Revised Statutes, is
23 amended, BY THE ADDITION OF THE FOLLOWING NEW
24 SUBSECTIONS, to read:

25 **38-35.7-101. Disclosure - special taxing districts - general**
26 **obligation indebtedness.** (3) IN ADDITION TO THE DISCLOSURE
27 STATEMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE SELLER

1 OF RESIDENTIAL REAL PROPERTY SHALL PROVIDE TO THE PURCHASER OF
2 THE PROPERTY, NO LATER THAN THE TIME OF EXECUTION OF THE
3 CONTRACT FOR SALE, A LIST OF ALL SPECIAL TAXING DISTRICTS IN WHICH
4 THE PROPERTY IS LOCATED OR INFORMATION ON HOW THE PURCHASER
5 MAY OBTAIN A LIST OF ALL SPECIAL TAXING DISTRICTS IN WHICH THE
6 PROPERTY IS LOCATED.

7 (4) A SELLER OF RESIDENTIAL REAL PROPERTY THAT FAILS TO
8 PROVIDE TO THE PURCHASER OF THE PROPERTY THE LIST OR INFORMATION
9 REQUIRED BY SUBSECTION (3) OF THIS SECTION SHALL BE SUBJECT TO A
10 CIVIL PENALTY OF FIVE HUNDRED DOLLARS PAYABLE TO THE PURCHASER.

11 **SECTION 5. Effective date.** This act shall take effect at 12:01
12 a.m. on the day following the expiration of the ninety-day period after
13 final adjournment of the general assembly that is allowed for submitting
14 a referendum petition pursuant to article V, section 1 (3) of the state
15 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
16 except that, if a referendum petition is filed against this act or an item,
17 section, or part of this act within such period, then the act, item, section,
18 or part, if approved by the people, shall take effect on the date of the
19 official declaration of the vote thereon by proclamation of the governor.