

CHAPTER 87

**GOVERNMENT - SPECIAL DISTRICTS**

HOUSE BILL 15-1092

BY REPRESENTATIVE(S) Lebsack, Singer, Brown, Fields, Priola, Rosenthal, Tate, Hullinghorst, Conti, Mitsch Bush;  
also SENATOR(S) Martinez Humenik and Kefalas.

**AN ACT**

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

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

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

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

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

**32-1-104. Establishment of a special districts file.** (1) The division shall promptly establish and maintain on a current basis, as a public record, a file listing by name all special districts, listing the names and addresses of all the members of the boards of the special districts, and recording all changes in the NAMES OR boundaries of the special districts. The file shall also list the names of the officers of each special district and a business address, a telephone number, and the name of a contact person for each district. Annually, the division shall compile and maintain a current and revised list of special districts for public inspection. Each special district shall register its business address, its telephone number, and the

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

name of a contact person with the division when certifying the results of a district election pursuant to section 1-11-103, C.R.S.

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

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

**32-1-104.5. Audit and budget requirements - election results - description on state web sites.** (1) The division shall post on its official web site in a form that is readily accessible to the public:

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

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

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

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

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

**32-1-809. Notice to electors.** (1) No more than sixty days prior to and not later than January 15 of each year, the board shall provide notice to the eligible electors of the special district in the manner set forth in subsection (2) of this section. The notice shall contain the following:

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

(3) A special district shall

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

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

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

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

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

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

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

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

**32-1-1101.7. Establishment of special improvement districts within the boundaries of a special district.** (1) A special district may establish a special improvement district within the boundaries of the special district to finance all or part of the costs of any improvements that the special district is authorized to

finance if the power to levy assessments is authorized in the special district's service plan or statement of purposes or approved in writing by the county or municipality that approved the special district's service plan or accepted the special district's statement of purposes. THE NAME OF A SPECIAL IMPROVEMENT DISTRICT ESTABLISHED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, MUST INCLUDE THE NAME OF THE SPECIAL DISTRICT THAT ESTABLISHED THE SPECIAL IMPROVEMENT DISTRICT.

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

Approved: April 8, 2015