

CHAPTER 23

GOVERNMENT - MUNICIPAL

HOUSE BILL 08-1008

BY REPRESENTATIVE(S) Hodge, Gallegos, Gardner B., Jahn, Massey, and McFadyen;
also SENATOR(S) Penry.

AN ACT

**CONCERNING A REQUIREMENT THAT NOTICE BE PROVIDED IN CONNECTION WITH THE FILING OF A
PETITION FOR MUNICIPAL INCORPORATION.**

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

SECTION 1. 31-2-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-2-101. Petition to district court. (2.5) (a) IN ADDITION TO ANY OTHER NOTICE THAT MAY BE REQUIRED UNDER THIS PART 1, WHENEVER THE NUMBER OF REGISTERED ELECTORS WITHIN THE AREA THAT IS THE SUBJECT OF A PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION IS LESS THAN TWO THOUSAND FIVE HUNDRED PERSONS, NOTICE OF THE FILING OF THE PETITION SHALL BE SENT BY FIRST-CLASS MAIL TO EACH PERSON OWNING REAL PROPERTY WITHIN THE AREA AT THE ADDRESS SHOWN FOR SUCH OWNER IN THE RECORDS OF THE COUNTY ASSESSOR'S OFFICE. THE COST OF MAILING THE NOTICE REQUIRED BY THIS PARAGRAPH (a) SHALL BE BORNE BY THE PETITIONERS.

(b) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL INCLUDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A CONTACT PERSON WHO IS ABLE TO PROVIDE INFORMATION ON THE PETITION TO THE PUBLIC, THE CASE NUMBER OF THE CIVIL ACTION CONCERNING THE PETITION, AND THE DISTRICT COURT IN WHICH THE PETITION IS FILED. THE NOTICE SHALL ALSO INFORM THE PROPERTY OWNER THAT, IF HE OR SHE WOULD LIKE TO OBTAIN A COPY OF THE PETITION, THE PROPERTY OWNER SHALL SUBMIT TO THE CONTACT PERSON A REQUEST FOR A COPY OF THE PETITION ALONG WITH THE PAYMENT OF A FEE. THE NOTICE SHALL SPECIFY THE AMOUNT OF THE FEE AND INSTRUCTIONS AS TO THE MANNER IN WHICH PAYMENT SHALL BE MADE. THE FEE CHARGED PURSUANT TO THIS PARAGRAPH (b) SHALL CONFORM TO THE REQUIREMENTS OF SECTION 24-72-205 (5) (a), C.R.S. UPON

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

RECEIPT OF PAYMENT, THE CONTACT PERSON SHALL MAIL A COPY OF THE PETITION TO THE PROPERTY OWNER.

(c) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL BE SENT PRIOR TO THE DATE ON WHICH THE DISTRICT COURT MAKES ITS FINDINGS AND DETERMINATION PURSUANT TO SECTION 31-2-102 (1).

SECTION 2. Effective date - applicability. (1) This act shall take effect September 1, 2008.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to petitions for municipal incorporation filed on or after the applicable effective date of this act.

Approved: March 17, 2008